

**AGENDA
ZONING COMMITTEE
OF THE SAINT PAUL PLANNING COMMISSION
Thursday, February 24, 2011 3:30 P.M.
City Council Chambers
Third Floor City Hall - Saint Paul, Minnesota**

NOTE: The order in which the items appear on this agenda is not necessarily the order in which they will be heard at the meeting. The Zoning Committee will determine the order of the agenda at the beginning of its meeting.

APPROVAL OF JANUARY 27, 2011, ZONING COMMITTEE MINUTES

SITE PLAN REVIEW – List of current applications (Tom Beach, 651-266-9086)

NEW BUSINESS

- 1 11-011-647 Macalester College Campus Boundary**
Conditional Use Permit for expansion of Macalester College campus boundary to include 100 Cambridge and vacated alley to the east
1600 Grand Avenue, NE corner at Macalester
R3
Josh Williams 651-266-6659

OLD BUSINESS

- 2 11-008-637 Andrew Blessing**
Conditional Use Permit for a bed & breakfast with four guest rooms
325 Dayton Ave, NW corner at Farrington
RM2
Sarah Zorn 651-266-6570
- 3 11-003-883 SPARC (843 Rice)**
Conditional Use Permit for coffee shop drive-through with modifications of drive-through lane distance from residential property and required screening
843 Rice St, NW corner at Atwater Street
TN2
Anton Jerve 651-266-6567
- 4 10-921-993 Greater Frogtown CDC**
Re-establishment of nonconforming use as a 4-unit building
941 Thomas Ave, between Milton and Chatsworth
RT1
Luis Pereira 651-266-6591

ADJOURNMENT

ZONING COMMITTEE MEMBERS: Call Patricia James at 266-6639 or Samantha Langer at 266-6550 if you are unable to attend the meeting.

APPLICANT: You or your designated representative must attend this meeting to answer any questions that the committee may have.

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Macalester College Campus Boundary **FILE #** 11-011-647
2. **APPLICANT:** **HEARING DATE:** February 24, 2011
3. **TYPE OF APPLICATION:** Conditional Use Permit
4. **LOCATION:** 1600 Grand Ave, NE corner at Macalester
5. **PIN & LEGAL DESCRIPTION:** 042823440085, Macalester Park All Of Vac Macalester St Lying Bet Nl Of St Clair Ave & S Of Ext Sl Of E-w Alley In Blk 7 Macalester Park All Of Vac Alley In Blk 8 Macalester Park & All Of Vac Alley In Blk 7 Sd Add Lying S Of Ext Sl Of Lot 8 Sd Blk 7 & The Fol Subj To St
6. **PLANNING DISTRICT:** 14 **PRESENT ZONING:** R3
7. **ZONING CODE REFERENCE:** § 65.220; § 61.501
8. **STAFF REPORT DATE:** February 15, 2011 **BY:** Josh Williams
9. **DATE RECEIVED:** January 24, 2011 **60-DAY DEADLINE FOR ACTION:** March 25, 2011

A. **PURPOSE:** Conditional Use Permit for expansion of Macalester College campus boundary to include 100 Cambridge and portion of vacated alley to east.

B. **PARCEL SIZE:** 16,743 sq. ft.

C. **EXISTING LAND USE:** N-College/University

D. **SURROUNDING LAND USE:**

North: Single-Family Residential/Church (R3)

East: Campus (R3)

South: Campus (R3)

West: Single-Family Residential (R3)

E. **ZONING CODE CITATION:** §65.220 describes conditions and standards for conditional use permits, and defines the required content of a "anticipated growth and development statement" to be submitted as part of any application for a college, university, or seminary boundary expansion. §61.501 lists general conditions that must be met by all conditional uses.

F. **HISTORY/DISCUSSION:** A conditional use permit designating boundaries of the Macalester College Campus and regulating campus parking was issued in 1987. A major variance regarding parking was issued in 1992, and an updated conditional use permit expanding the campus boundary by 4.4 acres in was approved in 1993. In 1996, the conditional use permit was again amended to allow modification of setback requirements for a dormitory constructed on the campus.

G. **DISTRICT COUNCIL RECOMMENDATION:** The District 14 Council has provided a letter of support, which is attached to this report, for the application.

H. **FINDINGS:**

1. The property at 100 Cambridge was acquired by Macalester College in 2005. The alley in question, which runs east-west between 100 Cambridge Street and Macalester Street, was vacated in October of 2010. Macalester College subsequently purchased the portion of the vacated alley which accrued to the neighboring property, owned by Macalester Plymouth United Church.
2. The easterly portion of the property at 100 Cambridge is in use by the groundskeeping staff of Macalester College, for the purpose of which a small utility building has been erected on the lot. The single-family structure previously located on the property was razed in June of 2010. Pursuant to an agreement reached with adjacent property owners and other property owners on Cambridge Street, Macalester is proposing landscaping improvements (including increased screening) on the western edge of the lot and the permanent closure of the current parking lot access/egress point on Cambridge Street.

3. §65.220 defines the required content of a "anticipated growth and development statement" to be submitted as part of any application for a college, university, or seminary boundary expansion, and defines the criteria on which an evaluation of the application shall be based. Required elements of the statement are

(1) *Proposed new boundary or boundary expansion:* The applicant's statement describes a proposed expansion of the campus boundary to include the lot at 100 Cambridge Street and the adjacent vacated alley between the existing campus and neighboring Macalester Plymouth United Church. The total area of the proposed addition to the campus is approximately 17,000 square feet.

(2) *Enrollment growth plans... over the next ten (10) years and also the anticipated maximum enrollment over the next twenty (20) years:* The statement indicates no anticipated change in enrollment at the college. The applicant's representative, Tom Welna, in a personal communication, that enrollment at the college can fluctuate, and that current enrollment was at or near the college's capacity.

(3) *Plans for new parking facilities over the next ten (10) years, including potential locations and approximate time of development:* The statement indicates no plans for additional on-campus parking.

(4) *Plans for the provision of additional student housing, either on-campus or off-campus in college-controlled housing:* The statement indicates no plans for new on-campus housing.

(5) *Plans for the use of land and buildings, new construction and changes affecting major open space:* The statement indicates that other than some current and planned renovations of the fine arts complex on campus, there are no planned new construction projects or changes affecting open space or building use on campus.

(6) *An analysis of the effect this expansion will have on the economic, social and physical well-being of the surrounding neighborhood, and how the expansion will benefit the broader community.* As described more fully in Finding 4 below, the proposed boundary expansion will have a net positive benefit for the community by improve vehicular circulation internal to the campus, redirecting vehicular traffic from a residential street to collector and arterial streets, adding a small amount of landscaped open space.

Approval of a new or expanded campus boundary shall be based on an evaluation using the general standards for conditional uses found in §61.500, and the following criteria:

(i) *Anticipated undergraduate student enrollment growth is supported by plans for student housing that can be expected to prevent excessive increase in student housing demands in residential neighborhoods adjacent to the campus.* This criteria is met. The applicant has indicated that total undergraduate enrollment, made up almost entirely of full-time students, is not anticipated to change significantly in the foreseeable future. Accordingly, no additional student housing is either planned or needed. Currently, about 75% of Macalester students live on campus.

(ii) *Potential parking sites identified in the plan are generally acceptable in terms of possible access points and anticipated traffic flows on adjacent streets.* The applicant has stated that no additional on-campus parking is planned. However, the applicant has agreed to close an existing ingress/egress point between Cambridge Street and a parking lot located just south of the proposed area of boundary expansion. Traffic will be redirected north to Macalester Street via the vacated alley proposed for inclusion within the campus boundary or south via

an existing alley to St. Clair Avenue.

(iii) Plans for building construction and maintenance of major open space areas indicate a sensitivity to adjacent development by maintaining or providing adequate and appropriately located open space. The proposed boundary expansion is not directly associated with nor is it necessary to facilitate any planned building projects. Pursuant to an agreement with neighbors, the applicant has stated an intention to add landscaping and screening vegetation to the westerly end of the lot at 100 Cambridge.

(iv) The proposed new or expanded boundary and the "anticipated growth and development statement" are not in conflict with the city's comprehensive plan. No aspect of the proposed boundary expansion or element of the "anticipated growth and development statement" is in conflict with the Saint Paul Comprehensive Plan.

4. §61.501 lists five standards that all conditional uses must satisfy:

- (1) The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* This condition is met. Policy LU1.57 of the Saint Paul Comprehensive Plan is to *(E)ncourage communication between educational institutions and residents of the community when those institutions seek to expand or make significant changes to their campuses.* The applicant has stated that a series of meetings were held in late 2010 through which process the general support of the campus' immediate neighbors for the proposed expansion was gained. A letter of support for the proposed expansion from the MacalesterGroveland Community Council, citing the series of meetings as described by the applicant, was included with this application.
- (2) The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. The proposed expansion will eliminate a point of ingress and egress to Cambridge Street. However, the expansion will also provide for expansion of a drive lane internal to the campus to facilitate improved ingress and egress via an existing access point to Macalester Street.
- (3) The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* This condition is met. The primary impact of the proposed boundary expansion will be to redirect some traffic from Cambridge Street to either St. Clair Avenue (via an existing alley) or to Macalester Street. Redirecting traffic to Macalester Street will provide more direct access to Grand Avenue. The net effect will be to move traffic from a residential street to arterial (Grand) and collector (St. Clair) streets with greater design capacity for vehicular traffic. This will benefit the public health, safety, and general welfare.
- (4) The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met. The proposed boundary expansion help to improve the physical relationship between the campus and the surrounding properties, thereby having a positive affect, if any, on the orderly development and improvement thereof.
- (5) The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition is met. The proposed expansion conforms in all other respects to applicable regulations.

I. STAFF RECOMMENDATION: Based on the above findings, staff recommends of the Conditional

Use Permit for expansion of Macalester College campus boundary to include 100 Cambridge and vacated alley to east subject to the following additional condition(s):

1. Permanent closure of the parking lot access to/from Cambridge Street located south of the area of boundary expansion and west of the Janet Wallace Fine Arts Center.
2. Landscaping of, and addition of vegetative screening to, the lot at 100 Cambridge Street.



CONDITIONAL USE PERMIT APPLICATION

Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex
25 West Fourth Street
Saint Paul, MN 55102-1634
(651) 266-6589

| | |
|------------------------|-----------|
| Zoning office use only | |
| File # | 11-011647 |
| Fee | 750.00 |
| Tentative Hearing Date | 2-24-11 |

PD-14

042823440085

APPLICANT

Name MACALESTER COLLEGE
Address 1600 GRAND AVENUE
City SAINT PAUL St. MN Zip 55105 Daytime Phone 651-696-6305
Name of Owner (if different) _____
Contact Person (if different) TOM WELNA Phone _____

PROPERTY LOCATION

Address / Location SEE ATTACHED LOCATION & LEGAL DESCRIPTION
Legal Description _____
Current Zoning R3
(attach additional sheet if necessary)

TYPE OF PERMIT: Application is hereby made for a Conditional Use Permit under provisions of
Chapter 65, Section 220, Paragraph F of the Zoning Code.

SUPPORTING INFORMATION: Explain how the use will meet all of the applicable standards and conditions. If you are requesting modification of any special conditions or standards for a conditional use, explain why the modification is needed and how it meets the requirements for modification of special conditions in Section 61.502 of the Zoning Code. Attach additional sheets if necessary.

PLEASE SEE ATTACHED

CK355321
750⁰⁰

☐ Required site plan is attached

Applicant's Signature [Signature] Date 1/24/11 City Agent 1-26-11
pdd

MACALESTER COLLEGE



THE HIGH WINDS FUND
1600 GRAND AVENUE
SAINT PAUL, MINNESOTA
55105-1899

TEL: 651-696-6552
FAX: 651-696-6250
E-MAIL: highwinds@macalester.edu
www.macalester.edu/highwinds/

January 24, 2011

Ms. Patricia James
Department of Planning & Economic Development
City of St. Paul, Zoning Section
1400 City Hall Annex
25 West Fourth Street
Saint Paul, MN 55102

Dear Ms. James:

Please find enclosed an application by Macalester College to modify its Conditional Use Permit to include the recently vacated alley that runs between Macalester College's Janet Wallace Fine Arts Center & Macalester Plymouth Church as well as the grounds keeping lot at 100 Cambridge Street within its campus boundaries.

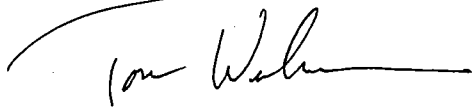
In October and November, 2010, Macalester hosted a series of meetings with our immediate neighbors and earned their support for the proposed change of boundaries. The Macalester-Groveland Community Council (District 14) considered the proposal as well and granted their approval in December. Their letter of support is included with the application.

Last Thursday, January 20, 2011, we completed the purchase of the vacated alley from Macalester Plymouth Church.

Finally, I have enclosed a check in the amount of \$750.00 to cover the processing fee. Please advise me if there is anything else you need from us.

Thanks for your help.

Sincerely,



Tom Welna
Director

Macalester College
Conditional Use Permit Application

Anticipated Growth and Development Statement:

- (1) Proposed Boundary Expansion: To include the recently (October 20, 2010) vacated alley that runs east/west between Macalester Plymouth United Church and the Macalester College Janet Wallace Fine Arts Center as well as our Grounds-keeping lot at 100 Cambridge Street within the boundary of the existing Macalester College campus. (See enclosed map.)
- (2) Enrollment: There is no anticipated change in enrollment at Macalester College. There are currently 2033 undergraduates enrolled including 1987 full-time students and 46 part-time students.
- (3) Planned Additional Parking: Macalester College recently added 12 parking places off-campus at 45 North Snelling Avenue and 32 additional spaces on-campus in 2008 south of the new Leonard Center athletics & wellness facility. There are currently no other plans to develop additional parking.
- (4) Additional Student Housing: There are no current plans for additional student housing on campus. Seventy-five percent of Macalester students currently live on-campus.
- (5) Land Use Plans: Macalester is planning to renovate its fine arts center (including the Music Department and art galleries) over the next 20 months. In addition Macalester intends to renovate the studio arts and theatre arts areas of our fine arts complex. A timeline for this phase of the project has not been established. Both of these projects will take place on the site of the current facilities and will not affect open space or other uses on campus.
- (6) Analysis of Expansion: The vacated alley is surrounded on three sides by Macalester-owned property. The fourth side is owned by Macalester Plymouth United Church who co-petitioned with Macalester College for the vacation of the alley. The Macalester grounds-keeping lot at 100 Cambridge Street is also surrounded on three sides by other Macalester-owned property and the fourth side (west) is fronted by Cambridge Street. Both Macalester Plymouth United Church and 17 households on Cambridge Street have expressed their support for the boundary changes. As part of the dialogue with Cambridge Street residents, Macalester has agreed to enhance the landscaping along our western border on Cambridge Street and to permanently close -- to car & truck traffic -- the Cambridge Street entrance/exit of the Janet Wallace Fine Arts Center West parking lot. The proposed changes will make access to and from Macalester College's parking facilities much safer and less confusing for both on-campus vehicular and pedestrian traffic and especially for Cambridge Street which is a residential street. There are no other significant positive or negative impacts on the economic, social or physical well-being of the surrounding neighborhood.

Location & Legal Descriptions

1) Alley Property:

Parcel A:

The South 16.00 feet of Lot 5, Block 7, Macalester Park, according to the recorded plat thereof, Ramsey County, Minnesota

Parcel B:

The East-West alley adjoining Lots 3 and 5 in Block 7, Macalester Park, according to the recorded plat thereof, Ramsey County, Minnesota, lying Northerly of the North lines of said Lots 6 and 17 and their extensions, lying Southerly of the South line of said Lot 3 and its Easterly extension and lying between the West line of said Lot 5 and the East line of said alley as vacated by Document No. 665695 being the East end of Lot 2, said Block 7.

Parcel C:

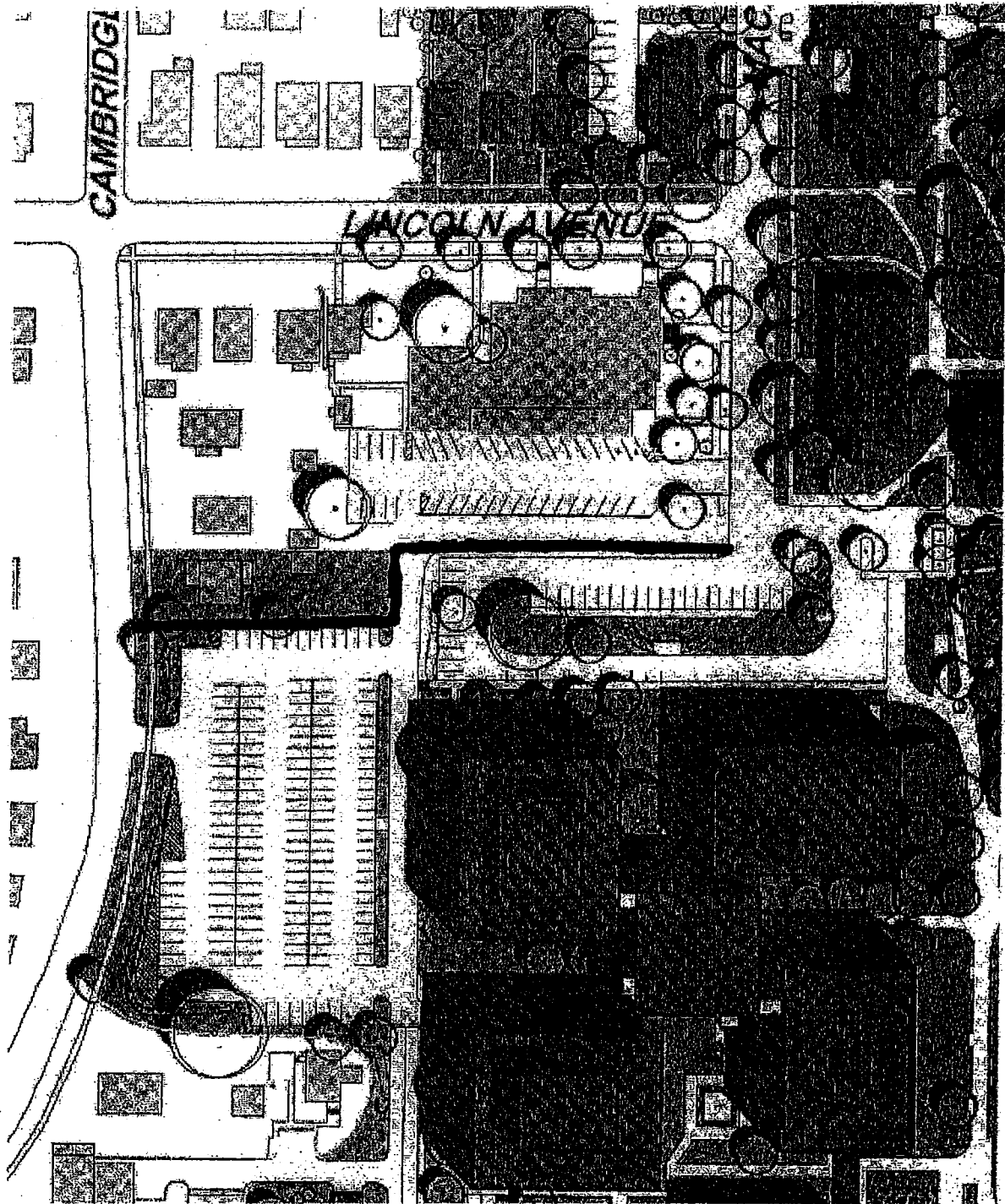
The North-South alley adjoining Lots 6, 7, 8, 15, 16, and 17 in Block 7, Macalester Park, according to the recorded plat thereof, Ramsey County, Minnesota, lying Southerly of the extensions of the north lines of said Lot 6 and 17, and lying Northerly of the extensions of the South line of said Lots 8 and 15.

Abstract Property

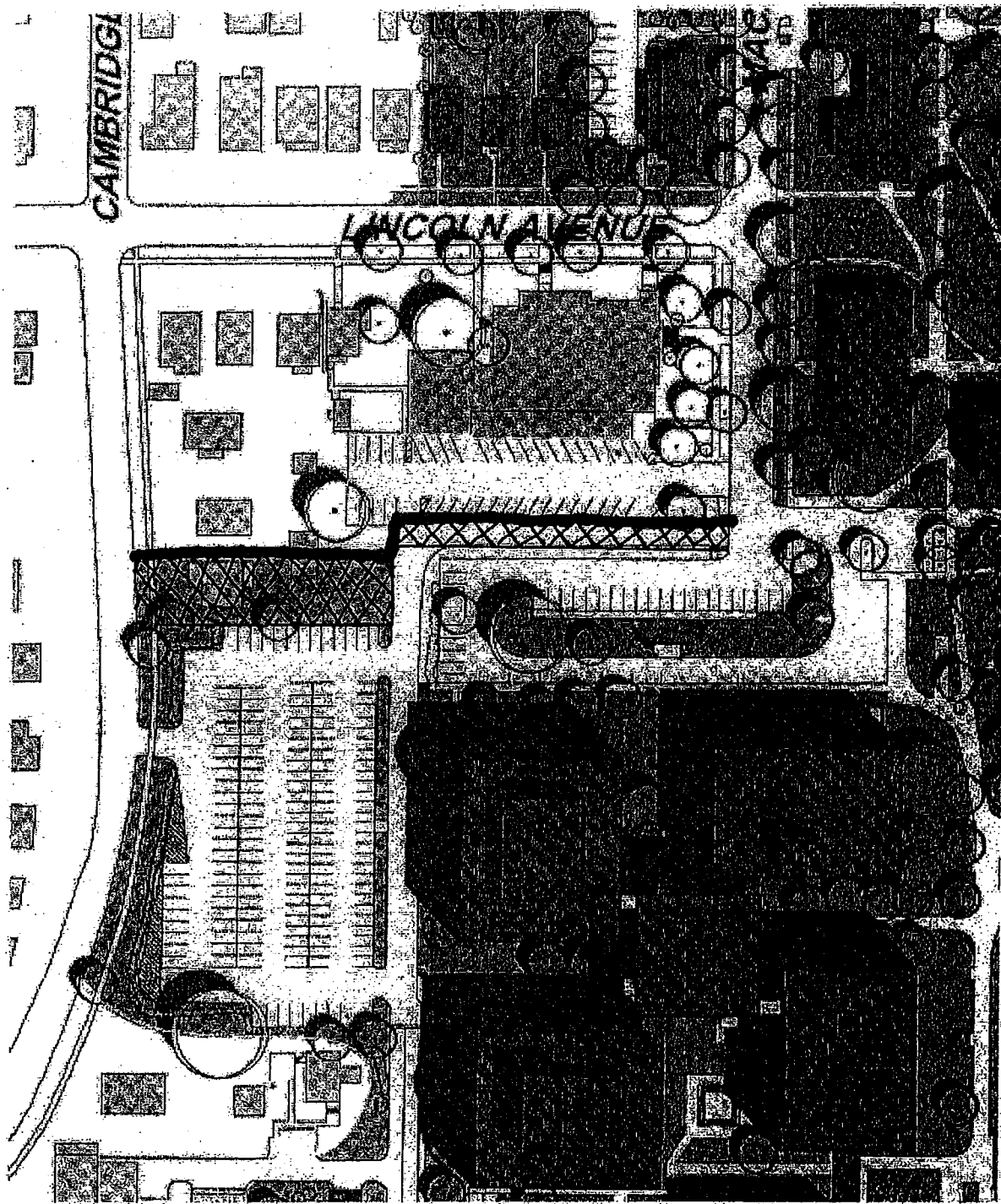
2) Grounds-Keeping Lot at 100 Cambridge:

The north one-half of Lot Seventeen (17), Block Seven (7), except the Southerly three (S'ly 3) feet thereof, Macalester Park, together with so much of the vacated alley as accrued to said premises by reason of the vacation thereof, according to the plat thereof file of record in the office of the Register of Deeds in and for Ramsey County, Minnesota.

Existing Campus Boundary



Proposed Campus Boundary





320 South Griggs Street
St. Paul, MN 55105
www.macgrove.org

Phone: 651-695-4000
Fax: 651-695-4004
E-mail: mgcc@macgrove.org

December 1, 2010

Paul Dubruiel
City of St. Paul PED Zoning Section
1400 CHA 25 W. 4th Street
St. Paul, MN 55102

Re: Macalester College Proposal

Dear Paul:

The Housing & Land Use Committee of the Macalester-Groveland Community Council met in response to the request from Macalester College on November 17th. The committee passed the following motion:

The Macalester-Groveland Community Council's Housing & Land Use Committee recommends approval of the proposal as described in the memo of November 17 from Tom Welna of Macalester College to the Housing & Land Use Committee.

Several neighbors attended the meeting, all who spoke in favor. Neighbors were satisfied that the proposal by Macalester College was created through a series of meetings with neighbors which were respectful and productive. One concern was that the College ensure proper provisions for stormwater runoff and include them in its sustainability plan.

Thank you for your consideration of this recommendation. Please contact me with any questions at 651-695-4000.

Sincerely,

Afton Martens
Executive Director
Macalester-Groveland Community Council

cc: Tom Welna

PROPOSED CHURCH DESCRIPTION

Lots 3, 4, and that part of Lot 5, lying north of the easterly extension of the north line of the vacated east/west alley, all in Block 7, MACALESTER PARK, according to the recorded plat thereof, Ramsey County, Minnesota, together with the vacated north/south alley accruing thereto.

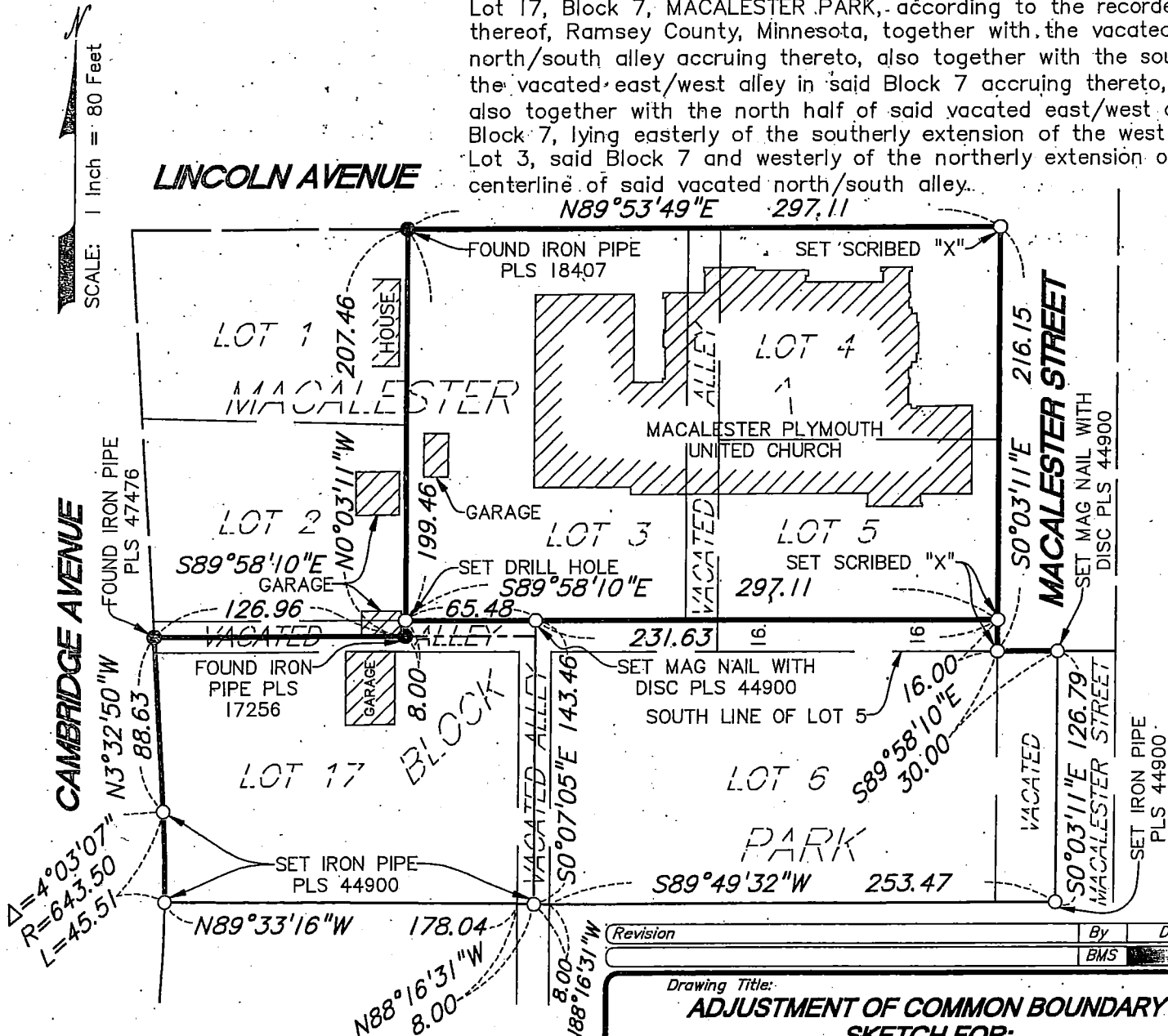
PROPOSED COLLEGE DESCRIPTION

#10-925874

Lot 6, and that part of Lot 5 lying south of the easterly extension of the north line of the vacated east/west alley, all in Block 7, MACALESTER PARK, according to the recorded plat thereof, Ramsey County, Minnesota, together with vacated Macalester Street accruing to thereto, also together with the vacated north/south alley accruing thereto, and also together with all of the vacated east/west alley in said Block 7, lying easterly of the northerly extension of the centerline of said vacated north/south alley.

And

Lot 17, Block 7, MACALESTER PARK, according to the recorded plat thereof, Ramsey County, Minnesota, together with the vacated north/south alley accruing thereto, also together with the south half the vacated east/west alley in said Block 7 accruing thereto, and also together with the north half of said vacated east/west alley in Block 7, lying easterly of the southerly extension of the west line of Lot 3, said Block 7 and westerly of the northerly extension of the centerline of said vacated north/south alley.



see reverse for City approval

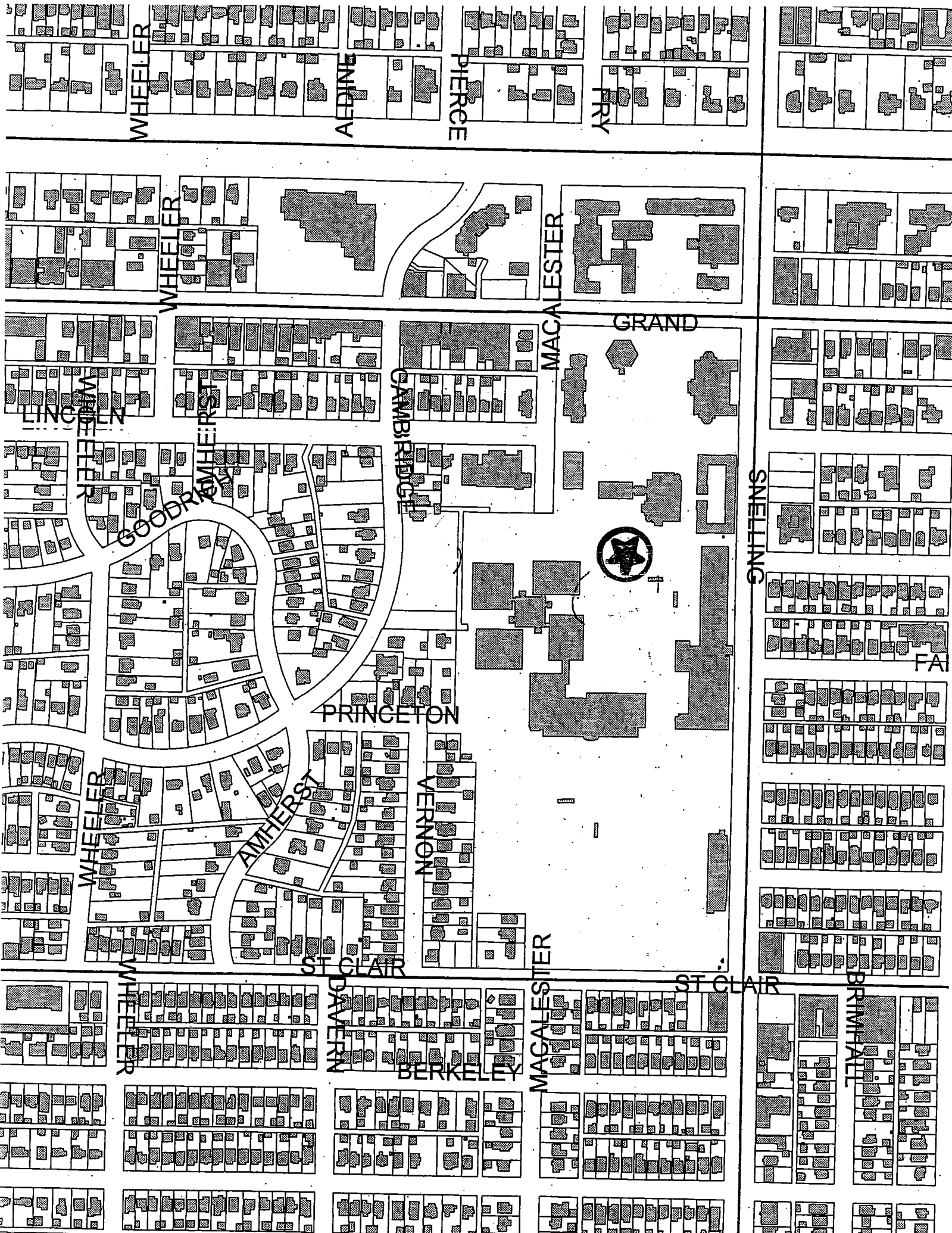
I hereby certify that this sketch, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Dated this 14th day of December, 2010.

SUNDE LAND SURVEYING, LLC.

By: Arlee J. Carlson
Arlee J. Carlson, P.L.S. Minn. Lic. No. 44900

| | | | |
|---|--|--|------|
| Revision | | By | Date |
| | | BMS | |
| Drawing Title: ADJUSTMENT OF COMMON BOUNDARY SKETCH FOR: MACALESTER COLLEGE (PROPOSED) | | | |
| SUNDE LAND SURVEYING www.sunde.com | | Main Office: 9001 East Bloomington Freeway (35W) • Suite 118 Bloomington, Minnesota 55420-3435 952-881-2455 (Fax: 952-888-9526) North Office: Brooklyn Park, Minn. 763-784-9346 | |
| Project: 91-046-FA | | Bk./Pg: 702/42 | |
| Township: 28 Range: 23 Section: 04 | | Date: 12/14/2010 | |
| File: 91046FA006.dwg | | Sheet: 2 of 2 | |



WHEELER

ALDINE

PIERCE

FRY

WHEELER

MACALESTER

GRAND

LINCOLN

WHEELER

GOODRICH

WHEELER

CAMBRIDGE

SNELLING

FA

PRINCETON

WHEELER

AMHERST

VERNON

ST. CLAIR

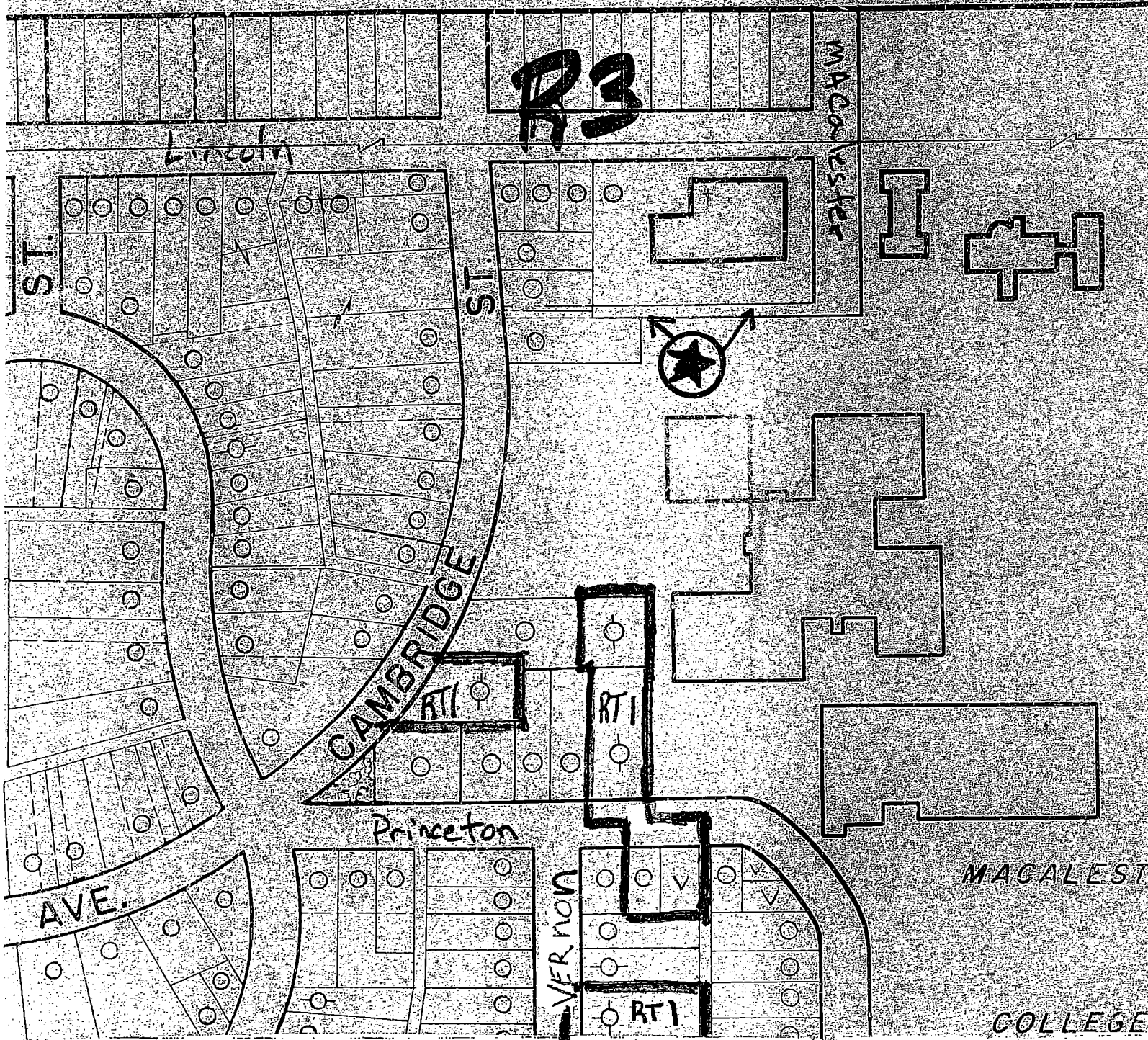
MACALESTER

ST. CLAIR

BRIMHALL

DAVENPORT

BERKELEY



APPLICANT MACALESTER
 PURPOSE Conditional USE
 FILE # 11-011647 DATE 2-2-11
 PLNG. DIST 14 Land Use Map # 26
 SCALE 1" = 400' Zoning Map # 14

LEGEND

zoning district boundary

subject property

one family

two family

multiple family

commercial

industrial

vacant



ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Andrew Blessing
 2. **APPLICANT:** Andrew Blessing
 3. **TYPE OF APPLICATION:** Conditional Use Permit
 4. **LOCATION:** 325 Dayton Ave, NW corner at Farrington
 5. **PIN & LEGAL DESCRIPTION:** 012823120026, Dayton And Irvines Addition S 50 Ft Of Lot 1 Ex W 29 Ft Of N 66 Ft Lot 2 And All Of Lot 7 And Lot 8 Blk 81
 6. **PLANNING DISTRICT:** 8
 7. **ZONING CODE REFERENCE:** § 65.641; § 61.501
 8. **STAFF REPORT DATE:** February 2, 2011
 9. **DATE RECEIVED:** January 19, 2011
- FILE #** 11-008-637
HEARING DATE: February 10, 2011
PRESENT ZONING: RM2
BY: Sarah Zorn
60-DAY DEADLINE FOR ACTION: March 20, 2011
-

- A. **PURPOSE:** Conditional Use Permit for a bed & breakfast with four guest rooms
- B. **PARCEL SIZE:** Irregular parcel; 142 ft. (Dayton) x 182.5 ft. (Farrington), total area = 26,718 sq. ft.
- C. **EXISTING LAND USE:** Vacant school
- D. **SURROUNDING LAND USE:**
 - North: Two family dwelling and Saint Paul College (RM2)
 - East: Multifamily residential (RM2)
 - South: Boyd Park (RM2)
 - West: Multifamily residential (RM2)
- E. **ZONING CODE CITATION:** §65.641 lists standards and conditions for bed and breakfast residences; §61.501 lists general conditions that must be met by all conditional uses.
- F. **HISTORY/DISCUSSION:** The main building was built as a single family home in 1894. In 1955 it was expanded and converted to a nursing home. In 1977 there was an application for a youth group home, which was denied. In 1979 the property was approved for use as a residential group home for mothers and their children. In 2003 a Determination of Similar Use (#03-337-730) to allow a private junior high boarding school was approved.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 8 Council had not commented at the time this staff report was written.
- H. **FINDINGS:**

1. The property was most recently used as a school for approximately five years. The school appears to have closed in 2008 and the property has been on the vacant building list since March of 2009 as a Category 2. It is located in the Historic Hill District.
2. The applicant proposes to rehabilitate the structure in order to establish a bed and breakfast residence with four guest rooms in the main structure. In addition, the applicant plans to establish a group daycare facility in the existing dormitory wing of the building. The applicant plans to convert the structure facing Marshall Avenue into a two or three car garage. This structure was originally a residence with car storage added on in 1907. At present, it appears that the structure is a residential unit and that the garage doors have been covered. While the applicant intends to remove the residential unit, he has stated that he may wish to re-establish the use in the future.
3. §65.641 defines 'bed and breakfast residence' and lists the standards and conditions for a bed and breakfast located in a residential district.
 - (a) *In residential districts, a conditional use permit is required for bed and breakfast residences with two (2) or more guest rooms, and for any bed and breakfast located in a two-family dwelling.* The applicant has made the required conditional use permit application.
 - (b) *The bed and breakfast residence may be established in a one-family detached dwelling or a two-family dwelling, located within a single main building.* The property was originally

constructed as a one-family dwelling, therefore this condition is met.

- (c) *The guest rooms shall be contained within the principal structure.* This condition is met. All guest rooms will be located within the main building of the principal structure.
 - (d) *There shall be no more than one (1) person employed by the bed and breakfast residence who is not a resident of the dwelling.* This condition is met. The applicant has stated that there will be no more than one employee who does not reside on the premises.
 - (e) *Dining and other facilities shall not be open to the public, but shall be used exclusively by the residents and registered guests.* This condition is met as the applicant has agreed to abide by this condition.
 - (f) *No additional exterior entrances shall be added to the structure solely for the purpose of serving guest rooms.* This condition is met. The applicant has stated that there is no need for additional exterior entrances to the structure to serve residents or guests.
 - (g) *The zoning lot shall meet the minimum lot size for the one-family dwelling or two-family dwelling in the district in which it is located, and shall have a minimum size according to the table noted in §65.641.* This condition is met. The table referenced indicates that a one-family dwelling with four guest rooms must have a minimum lot area of 8,000 square feet. The lot area is over 26,000 square feet, which is more than sufficient.
 - (h) *One-family dwellings may contain no more than four (4) guest rooms. Two-family dwelling may contain no more than three (3) guest rooms.* This condition is met. The property was built as a one-family dwelling and the applicant has proposed four (4) guest rooms.
 - (i) *No bed and breakfast residence containing two (2) through four (4) guest rooms shall be located closer than one thousand (1,000) feet to an existing bed and breakfast residence containing two (2) through four (4) guest rooms, measured in a straight line from the zoning lot of an existing bed and breakfast residence.* This condition is met. The certificate of occupancy for the Rose Arbor Inn, formerly located at 341 Dayton, was revoked and the building has been vacant since 2008. There are no other bed and breakfast residences within 1,000 feet.
4. §61.501 lists five standards that all conditional uses must satisfy:
- (1) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* This condition is met. The Housing Chapter of the Saint Paul Comprehensive Plan lists the need to preserve and promote established neighborhoods (Strategy 2). Additionally, the Historic Preservation Chapter generally supports the preservation of historical structures and character within historic districts. The District 8 Plan Summary vision statement emphasizes the desire for the neighborhood to be a destination for those who want to experience its unique social, cultural, physical and economic offerings.
 - (2) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. The main point of ingress and egress is on North Farrington Street and the proposed use will not generate a significant amount of traffic nor contribute to congestion in the public streets.
 - (3) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* This condition is met. The proposed bed and breakfast use is compatible with the surrounding multifamily uses and is overall less intense than the former use as a school.
 - (4) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met. The proposed bed and breakfast use is a permitted use in the RM2 zone and is compatible with surrounding uses.
 - (5) *The use shall, in all other respects, conform to the applicable regulations of the district in*

which it is located. This condition is met. The use will conform to the applicable regulations in the RM2 zoning district as well as the Historic Hill District. The parking requirement for the bed and breakfast residence is three spaces (1 space for each dwelling unit and 0.5 for each guest room). The applicant has stated that there are ten spaces in the existing parking lot and there will be an additional two to three spaces in the garage facing Marshall Avenue.

- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the Conditional Use Permit for a bed & breakfast with four guest rooms.



CONDITIONAL USE PERMIT APPLICATION

Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex
25 West Fourth Street
Saint Paul, MN 55102-1634
(651) 266-6589

Zoning office use only
File # 11-008637
Fee 750.00
Hearing Date 2-16-11

PD=8

*012823120026

APPLICANT

Name Andrew Blessing
Address 4209 Raleigh Ave
City Minneapolis St. MN Zip 55416 Daytime Phone 612.384.5345
Name of Owner (if different) Western Bank
Contact Person (if different) Jason Helgemoe (at Western Bank) Phone 651.290.8100

PROPERTY LOCATION

Address / Location 325 Dayton
Legal Description Dayton & Irving's addition S 50ft of Lot 1 ex W 29ft of
of N 66ft Lot 2 and all of Lot 7 & Lot 8 Current Zoning RMZ
(attach additional sheet if necessary) Blk 81

TYPE OF PERMIT: Application is hereby made for a Conditional Use Permit under provisions of
Chapter 65, Section 641, Paragraph a-i of the Zoning Code.

SUPPORTING INFORMATION: Explain how the use will meet all of the applicable standards and conditions. If you are requesting modification of any special conditions or standards for a conditional use, explain why the modification is needed and how it meets the requirements for modification of special conditions in Section 61.502 of the Zoning Code. Attach additional sheets if necessary.

(Attached)

C/K 5988
750.00

☒ Required site plan is attached

Applicant's Signature

Date

1-19-11

City Agent

pdd 1-21-11

Supporting Information as to how the proposed use of 325 Dayton as a four (4) room Bed & Breakfast meets all requirements and standards of Sec 61.641 of the Zoning Code. No special conditions or modifications will need to be made.

- (a) We are requesting a Conditional Use Permit to open a four (4) guest room Bed & Breakfast in this single family residence in a RM2 zoning.
- (b) The Bed & Breakfast will be established within a single main building.
- (c) All guest rooms will be contained within the principle structure.
- (d) There will be no more than one (1) person employed by the Bed & Breakfast who is not a resident of the dwelling.
- (e) Dining and other facilities will not be open to the public, but shall be used exclusively by the residents and registered guests.
- (f) We will not add nor will we need additional exterior entrances to the structure solely for the purpose of serving guest rooms.
- (g) The property is one (1) dwelling unit with a 26,000 sq ft lot size allowing for four (4) guest rooms.
- (h) This property is a one-family dwelling.
- (i) There are no other Bed & Breakfast residences within one thousand (1,000) feet.

As shown in the attached site plan, this property has a 10-space parking lot as well as a three-car detached garage and driveway. This far exceeds the 5.5 parking space requirement for a 4-guest room Bed and Breakfast and single-family dwelling. Ingress and egress from said parking lot is from North Farrington St which is NOT a highly traveled road and as such guests of the Bed & Breakfast will add minimal traffic congestion in the public streets.

The home next door at 341 Dayton was formerly The Rose Arbor Inn, a Bed & Breakfast. While they are no longer operating and their license has expired, this sets a precedent for the approval of a Bed & Breakfast in this location.

In that the proposed use of 325 Dayton as a Bed & Breakfast meets the all requirements of applicable zoning code we request a conditional use permit be granted.

We believe this Bed & Breakfast will be an asset to this historic neighborhood, allowing guests to stay in this architecturally-significant home and patronize other establishments in the area.

Thank you,

Andy Blessing

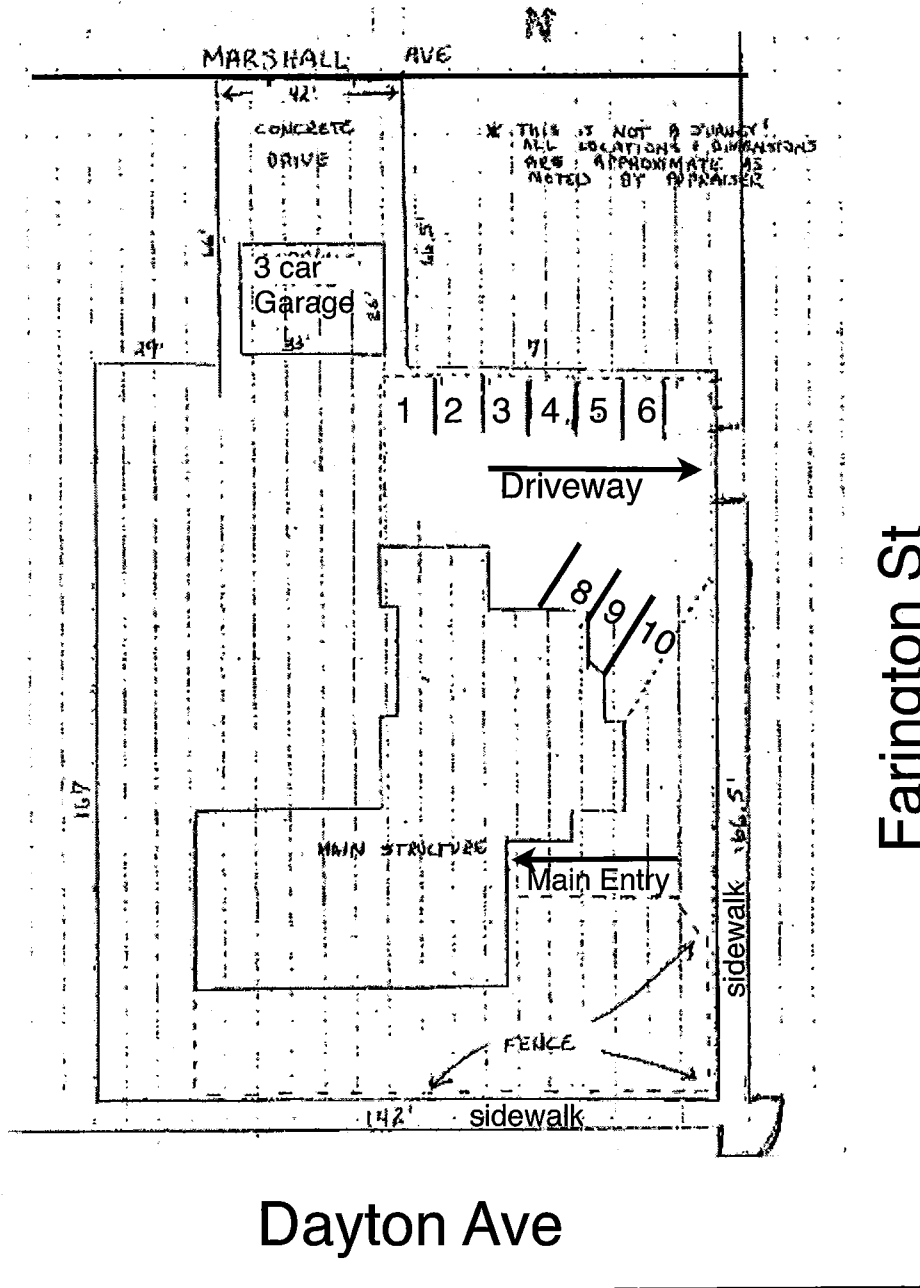
#11-008-637
325 Dayton

From: Anne Simpson <annedsimpson@gmail.com>
To: <sarah.zorn@ci.stpaul.mn.us>
Date: 2/8/2011 6:50 PM
Subject: B&B

To the Zoning Committee,

As a neighbor of the property at 325 Dayton Ave, I want to register a very enthusiastic vote in favor of the permit for a bed & breakfast. With so many condos in the area, with so little space for guests, it would be a real benefit to have a B&B. I'm sure there will be many restrictions and codes to follow but if the new owner meets all requirements I urge you to grant his permit. Thank you,
Anne Simpson

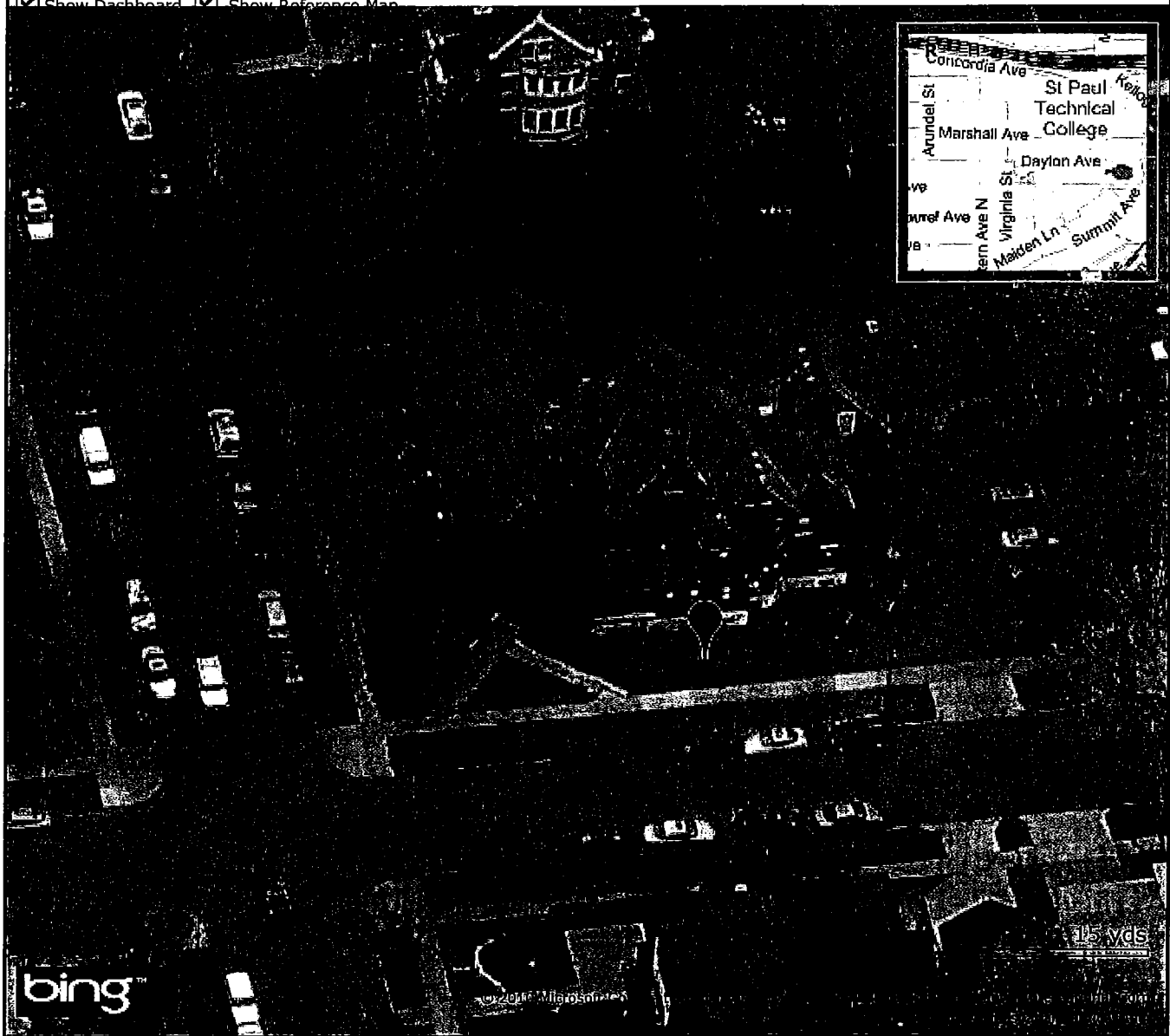
#11-008-637
325 Dayton



GISmo Oblique Photography

Images courtesy of: Microsoft® Virtual Earth™ 2006

☒ Show Dashboard ☒ Show Reference Map

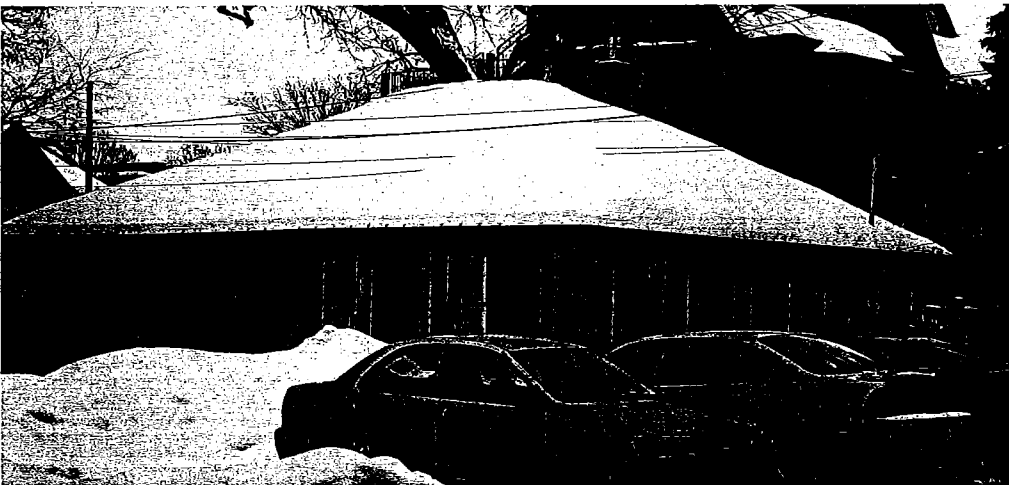




325 Dayton Avenue – view from Farrington



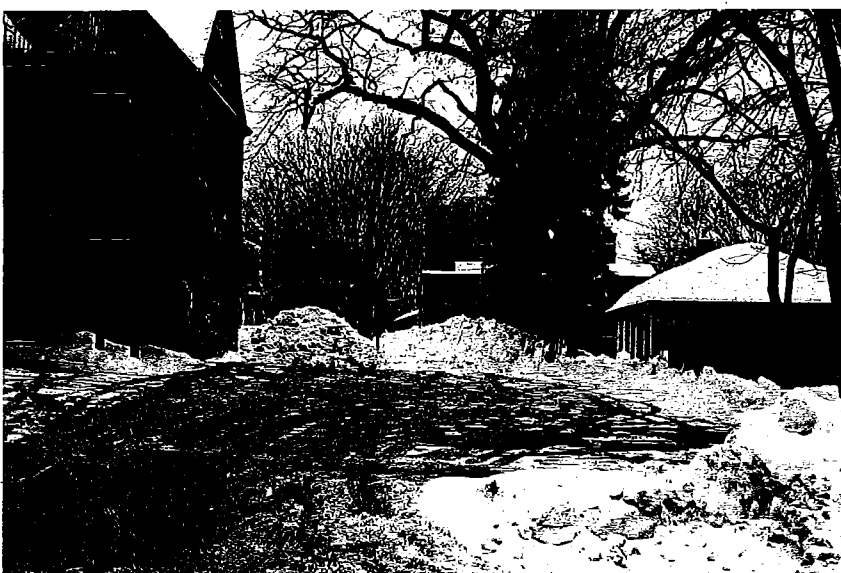
View from Dayton



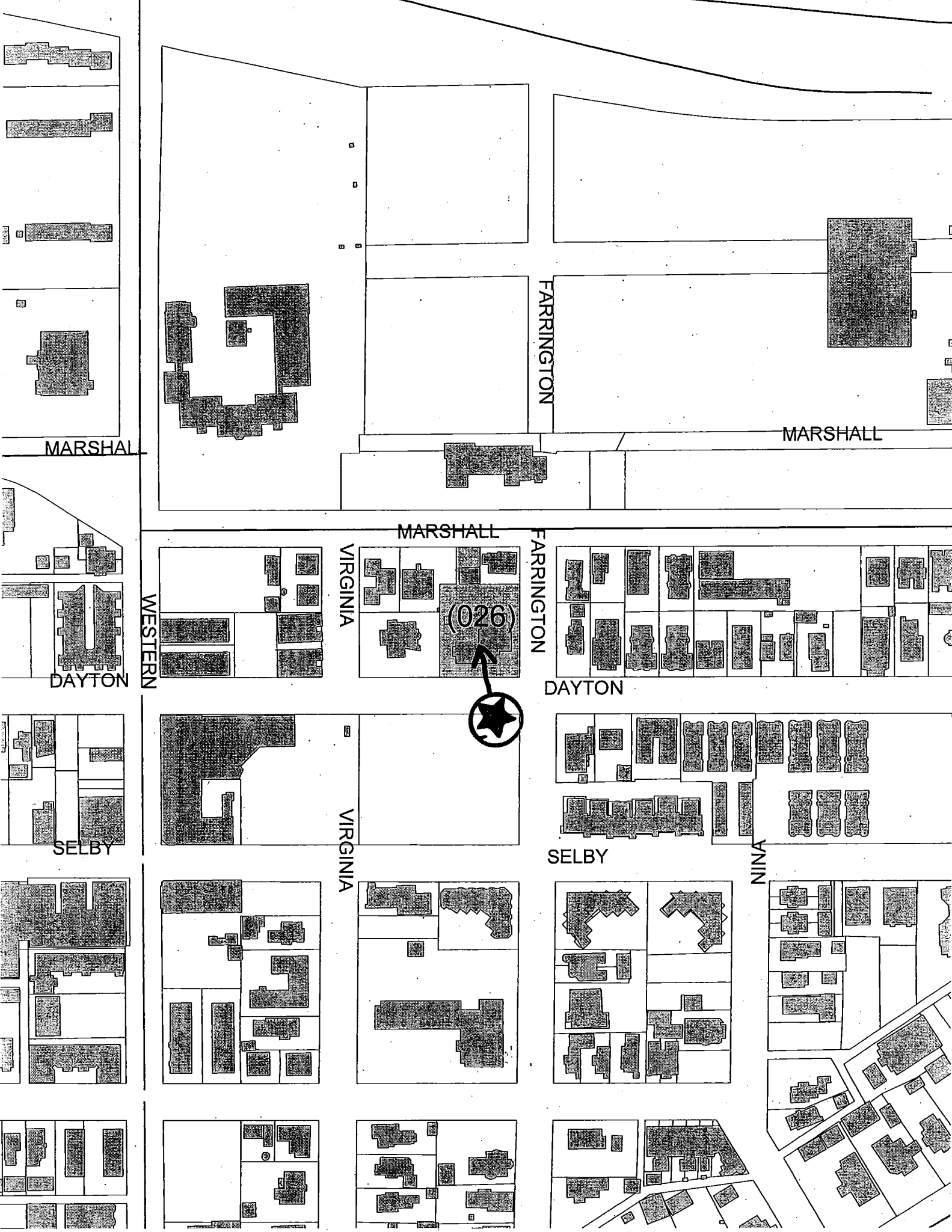
View from Marshall Ave

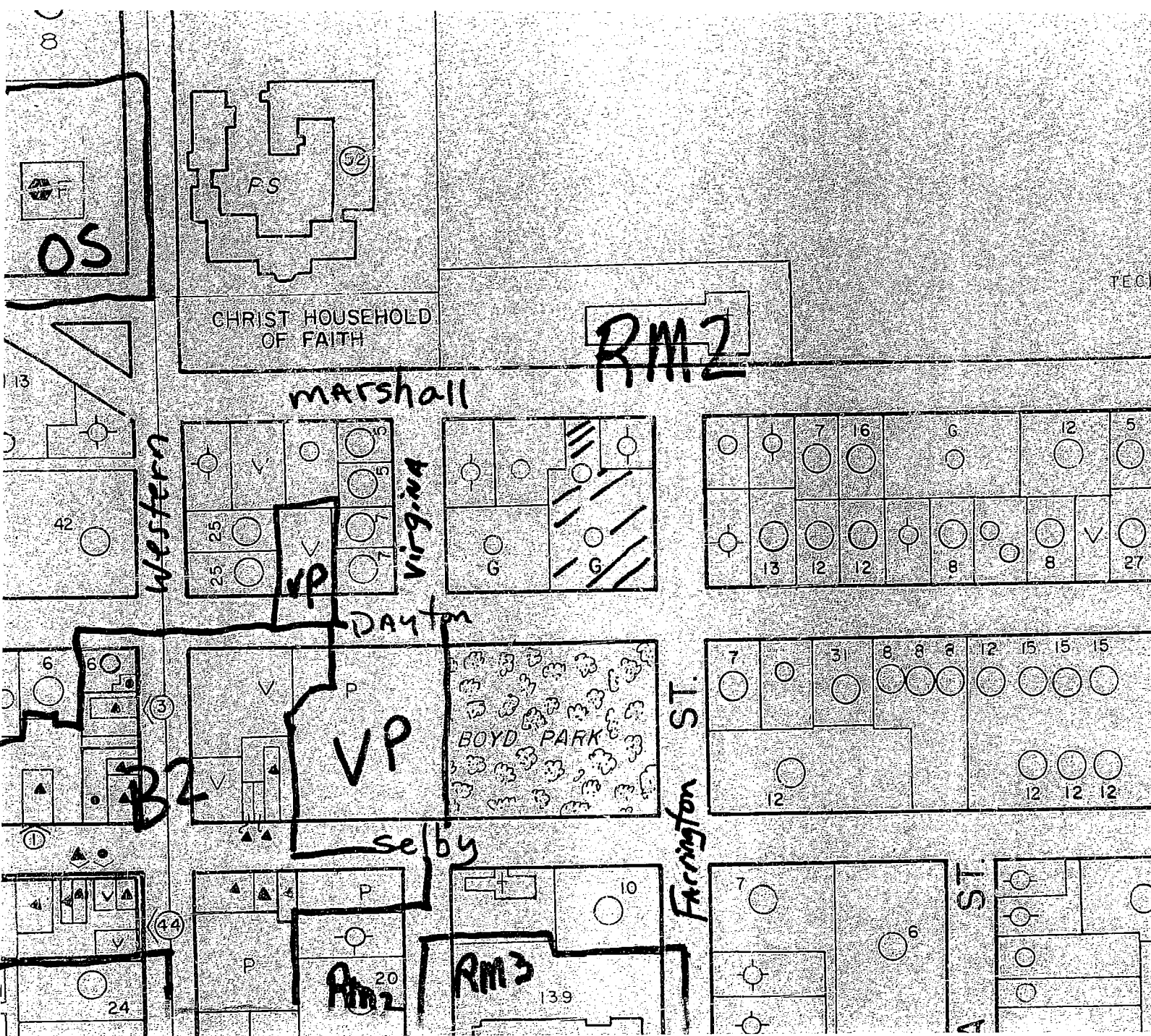


View from Farrington of parking lot



Parking lot along Farrington





APPLICANT Andrew Blessing
 PURPOSE CUP
 FILE # 11-008637 DATE 1-24-11
 PLNG. DIST. 8 MAP # 20

SCALE 1" = 400'



LEGEND

- zoning district boundary
- subject property
- one family
- two family
- multiple family
- commercial
- industrial
- vacant

north

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** SPARC (843 Rice) **FILE #** 11-003-883
 2. **APPLICANT:** Sparc **HEARING DATE:** February 24, 2011
 3. **TYPE OF APPLICATION:** Conditional Use Permit
 4. **LOCATION:** 843 Rice St, NW corner at Water Street
 5. **PIN & LEGAL DESCRIPTION:** 252923410266, Mckentys Out Lots Tost Paul Ex St Lots 1 & All Of Lot 2 & Lot 3 Blk 3
 6. **PLANNING DISTRICT:** 6 **PRESENT ZONING:** TN2
 7. **ZONING CODE REFERENCE:** §65.513; §61.501; §61.502
 8. **STAFF REPORT DATE:** February 2, 2011 **BY:** Anton Jerve
 9. **DATE RECEIVED:** January 6, 2011 **60-DAY DEADLINE FOR ACTION:** March 7, 2011
-

A. **PURPOSE:** Conditional Use Permit for drive-through service for coffee shop with modifications in 1) drive-through lane distance from residential property, 2) height and width of screen buffer

B. **PARCEL SIZE:** 7209 sq. ft. [72 ft (Rice) x 100.125 (Atwater)]

C. **EXISTING LAND USE:** C-Office

D. **SURROUNDING LAND USE:**

North: Mixed-use (TN2)

East: Mixed-use (TN2)

South: Industrial (I1)

West: Multifamily residential (TN2)

E. **ZONING CODE CITATION:** §65.513 lists the conditions for drive-through sales and services; §61.501 lists general conditions that must be met by all conditional uses; §61.502 authorizes the planning commission to modify any or all special conditions after making specified findings.

F. **HISTORY/DISCUSSION:** There is no zoning history for this property. The property was rezoned from B3 to TN2 with the Rice Street Small Area Plan and 40-Acre Study in 2005.

G. **DISTRICT COUNCIL RECOMMENDATION:** The District 6 Council recommends approval of the conditional use permit with additional conditions.

H. **FINDINGS:**

1. The applicant is requesting a conditional use permit for a drive-through window for a proposed coffee shop on the first floor in an existing two-story building. The second floor, currently used as apartments, will be used for offices. The property is located at the northwest corner of the Rice Street/Atwater Street intersection. The existing attached garage will be repurposed to accommodate the drive-through window. The parking to support the building uses will be located on the property and on an off-site lot located at the northeast corner of the Albemarle Street/Atwater Street intersection. The off-site lot will have three spaces and will be accessed off an existing curb cut on Albemarle.

2. Sec. 65.513 lists the five standards and conditions that drive-through sales and services must satisfy:

(1) *Drive-through lanes and service windows shall be located to the side or rear of buildings, shall not be located between the principal structure and a public street, and shall be at least sixty (60) feet from the closest point of any residentially zoned property or property occupied with a one-, two-, or multiple-family dwelling.* This condition is not met. The applicant is requesting a modification of this condition. The proposed drive-through is to be located in the rear of the building along Atwater Street. The drive-through window is proposed to be approximately 27 feet from a residentially used property, the four-unit building immediately to the west on Atwater. The drive-through will exit only onto Atwater and will be located in the existing garage structure and will not

have a speaker. It is expected that the majority of automobiles exiting along will turn left on Atwater when leaving the property. The owner of this property has submitted a letter of support for the proposed use. For these reasons, it will be unlikely to have a negative impact on the abutting residential property.

- (2) *Points of vehicular ingress and egress shall be located at least sixty (60) feet from the intersection of two streets and at least sixty (60) feet from abutting residentially zoned property.* This condition is met. The points vehicular ingress and egress are approximately 70 feet from Rice Street and approximately 60 feet from Atwater Street.
- (3) *Speaker box sounds from the drive-through lane shall not be plainly audible so as to unreasonably disturb the peace and quiet of abutting residential property.* This condition is met. There will be no speaker box.
- (4) *A six-foot buffer area with screen planting and an obscuring wall or fence shall be required along any property line adjoining an existing residence or residentially zoned property.* This condition is not met. The applicant is requesting a modification of this condition. There is an existing six-foot obscuring fence along the western property line and a proposed planted buffer of at least six feet along the majority of the western property line that abuts the residential property. The planted buffer narrows to two feet wide adjacent to the enclosed drive-through.

Along the northern property line the applicant is proposing a three foot fence and no planted buffer. Currently this area is used for parking and there is no landscaped buffer or fence along the property line. The District 6 Planning Council has requested no fence be erected along the property line. As a compromise, the applicant is proposing a three-foot fence along the northern property line to allow for pedestrian visibility while maintaining a safe barrier between properties. Because this area will be used for automobile circulation as opposed to parking there should be a fence to provide a safety buffer and snow barrier to mitigate impacts from the use.

Additional condition in the TN2 traditional neighborhood district:

- (5) *There shall be no more than one (1) drive-through lane and no more than two (2) drive-through service windows, with the exception of banks, which may have no more than three (3) drive-through lanes.* This condition is met. The drive-through is proposed to have one drive through lane and service window.
3. §61.501 lists five standards that all conditional uses must satisfy:
- (1) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* This condition is met. The use is consistent with the Rice Street Small Area Plan and the North End South Como District Plan. One of the goals of the Rice Street Small Area Plan is to "Increase neighborhood vitality." The plan indicates that Rice Street should be "a safe, successful commercial area" and the blocks between Atwater and Maryland should be prioritized for improvement. Commercial revitalization is also a goal of the North End-South Como Plan. The proposed use will reinvest in an existing building on an existing commercial street. The use will provide an active storefront and will increase activity, which can contribute to neighborhood vitality.
 - (2) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition can be met. The applicant is currently preparing a traffic memo as part of the site plan process to address any potential traffic issues.
 - (3) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* This condition is met. The use will reuse an existing building maintaining the character of the

immediate neighborhood. The use will attract people and unofficial surveillance, or "eyes on the street," which contributes to crime prevention. The project will invest in two existing parcels enhancing the appearance of the neighborhood. Furthermore, the use will generate increased property and sales taxes.

(4) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met. The use is allowed in TN2 zoning districts and would not impede other allowed TN2 uses. The use has the support of the neighboring residential property owner and would not impede that use.

(5) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition is met. The use conforms to all other regulations in the TN2 district. The parking required is 8 spaces, which is provided on the site in the parking lot and on the lot approximately 60 ft west.

4. The planning commission may approve modifications of special conditions when specific criteria of §61.502 are met: *strict application of such special conditions would unreasonably limit or prevent otherwise lawful use of a piece of property or an existing structure and would result in exceptional undue hardship to the owner of such property or structure; provided, that such modification will not impair the intent and purpose of such special condition and is consistent with health, morals and general welfare of the community and is consistent with reasonable enjoyment of adjacent property.* This finding is met. Strict application of the drive-through lane location and buffer conditions would require demolition of a portion of an existing structure and would further restrict automobile circulation. The drive-through use will be buffered from the residential property at least as well as the required 60 foot distance and landscaping buffer because it be enclosed in an existing structure and will not have a speaker. The proposed modifications do not impair the intent and purpose of such special condition and are consistent with health, morals and general welfare of the community and is consistent with reasonable enjoyment of adjacent property.

I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the Conditional Use Permit for drive-through service for coffee shop with modifications in 1) drive-through lane distance from residential property, 2) height of screen buffer for district subject to the following additional condition(s):

1. The site plan is approved.
2. The three parking spaces in the Albermarle lot will be reserved and signed for employees, office tenants, and/or potential residents.

**CONDITIONAL USE PERMIT APPLICATION**

Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex
25 West Fourth Street
Saint Paul, MN 55102-1634
(651) 266-6589

PD = 6

Zoning office use only

File # 11-003883Fee: 750⁰⁰

Tentative Hearing Date:

1-27-11

25 29 23 41 0266

APPLICANT

Name Sparc
Address 843 Rice St.
City St. Paul St. MN Zip 55117 Daytime Phone 651-488-1039
Name of Owner (if different)
Contact Person (if different) Allison Sharkey Phone 651-488-1039

PROPERTY LOCATION

Address / Location 843 Rice St
Legal Description Mckenly's Out Lots To, Ex St Lots I + All of Lot 2 + Lot 3 Blk 3 Current Zoning TN2
(attach additional sheet if necessary)

TYPE OF PERMIT: Application is hereby made for a Conditional Use Permit under provisions of
Chapter 3, Section 65, Paragraph 513 of the Zoning Code.

SUPPORTING INFORMATION: Explain how the use will meet all of the applicable standards and conditions. If you are requesting modification of any special conditions or standards for a conditional use, explain why the modification is needed and how it meets the requirements for modification of special conditions in Section 61.502 of the Zoning Code. Attach additional sheets if necessary.

☒ Required site plan is attached

OK 1007
750⁰⁰
pd
1-6-11

Applicant's Signature

Allison Sharkey

Date

1/6/11

City Agent

pd 1/6/11

Modification Request

As stated in Sec. 61.502,

The planning commission, after public hearing, may modify any or all special conditions, when strict application of such special conditions would unreasonably limit or prevent otherwise lawful use of a piece of property or an existing structure and would result in exceptional undue hardship to the owner of such property or structure; provided, that such modification will not impair the intent and purpose of such special condition and is consistent with health, morals and general welfare of the community and is consistent with reasonable enjoyment of adjacent property.

Sparc is requesting a modification of conditions, as the requested modification is consistent with the desires of District 6 Planning Council and the community in general, and it will not have an adverse impact on neighboring property. Sparc staff have discussed this plan with the affected property owner, Carl Nyberg, who owns the 4-plex behind 843 Rice at 157 Atwater, and he supports the proposal.

Strict application of the special conditions would prevent the re-use of the building as a coffee shop, which would result in the loss of the opportunity to have a coffee shop on Rice Street, something which the community has worked towards for many years, and which would also likely result in the inability to sell the building and keep it in active use.

We are seeking modification for Standards and Conditions of segments A, B, and D of Section 65.513, *Drive-through sales and services, primary and accessory*:

(a)

Drive-through lanes and service windows shall be located to the side or rear of buildings, shall not be located between the principal structure and a public street, and shall be at least sixty (60) feet from the closest point of any residentially zoned property or property occupied with a one-, two-, or multiple-family dwelling.

We are requesting a modification of the third condition, that regarding the distance between the lane and window and a residential property. As this project involves reuse of an existing building rather than new construction, we are unable to construct the drive-through lane or window 60 feet from the neighboring residentially-zoned property at 157 Atwater. The window will be approximately 25 feet from the neighboring property line to the west, and the closest side of the lane will be approximately 15 feet from the property line. However, the drive-through will be sheltered as it will be located inside the existing attached garage, which will have the back wall removed but which will retain its roof and western wall. Fencing also obscures the lane. The property owner, Carl Nyberg, has given his approval of the project.

(b)

Points of vehicular ingress and egress shall be located at least sixty (60) feet from the intersection of two streets and at least sixty (60) feet from abutting residentially zoned property.

The Atwater egress is 68 feet from the intersection. However, the egress is less than 60 feet from the residentially zoned property at 157 Atwater. This egress takes the place of an existing curb cut that was used as access our attached garage. This egress is not expected to negatively impact residents of the 4-plex at 157 Atwater, however. Again, the traffic leaving 843 Rice will be obscured by the garage structure. Most cars will turn away from the house towards Rice rather than driving past the house. The owner of 157 Atwater has given his support to the proposal.

The existing ingress/egress off of Rice Street is approximately 35 feet from the intersection. It is proposed that we move this ingress/egress 20 feet to the north, which would put the curb cut at 54 feet from the intersection. We are requesting a modification for the Rice Street ingress/egress as well.

(d)

A six-foot buffer area with screen planting and an obscuring wall or fence shall be required along any property line adjoining an existing residence or residentially zoned property.

The attractive wooden privacy fence, which is approximately 6 feet tall, will continue to obscure the parking lot and drive-through lane. We are requesting modification of the 6-foot landscaping buffer, as the existing buildings and site layout make this impossible. We are proposing a 2-foot buffer between the building and the property line, and a wider buffer on the northwest corner of the property.

The drive-through window will be located inside an existing attached garage. The back wall of the garage will be removed to create vehicular pass-through, but the roof and side walls will be maintained. The roof and side wall will obscure the window.

Conditional Use Permit Application Supporting Information

Applicant: Sparc
Location: 843 Rice St.
Contact: Allison Sharkey, 651-488-1039, allison@sparcweb.org

The neighborhood is pleased to finally welcome a coffee shop and retail establishment to Rice Street. While a coffee shop is permitted without the need for a Conditional Use Permit at a TN2-zoned building, a drive-through requires a Conditional Use Permit according to the table in the City of Saint Paul Zoning Code, Section 66.321. We will address below the project's compliance with the Zoning Code.

In the City of Saint Paul Zoning Code, Section 61.501, *Conditional use permit, general standards*, it is noted:

Before the planning commission may grant approval of a conditional use, the commission shall find that:

(a)

The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.

This coffee shop project is supported by the Comprehensive Plans and its neighborhood plans. The Rice Street Small Area Plan and Forty-Acre Study presents "Increase commercial vitality" as a Priority Action. The Plan states the desire for Rice Street to be a "safe, successful commercial area," and indicates that the area between Atwater and Maryland should be prioritized for improvement. A key goal of the North End-South Como District Plan is to "strengthen and revitalize commercial... areas."

(b)

The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.

An opening on Rice Street will continue to provide ingress and egress. The majority of customers in cars will be heading south on Rice to buy coffee in the morning before heading to work downtown, and these customers will be making a right turn from Rice Street, so this will not cause traffic congestion. We propose to add an egress onto Atwater Street as well. Atwater experiences very little traffic.

(c)

The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.

Sparc and neighborhood residents have been working for years to bring a coffee shop to this area to enhance the quality of life in the neighborhood and build community. The increased activity will put additional eyes on the street, which is always helpful in

preventing crime. This project will not be detrimental to the architectural character of the area, as the 2-story, hundred year old brick structure will remain in use.

(d)

The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

This project will have no negative impact on the development of nearby properties, and may boost their value by bringing positive economic activity to the area.

(e)

The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

This use will conform to all other District 6 and City regulations, provided the modification of distance between the drive-through and residential property is approved.

Section 65.513, *Coffee shop, tea house*, sets standards in the TN2 district that are the same as in 65.613, *Restaurant*, where it is noted:

Standards and conditions:

In TN2—TN3 traditional neighborhood districts, these uses are intended to be of a moderate size compatible with neighborhood-level retail, and a conditional use permit is required for establishments of more than 10,000 square feet in gross floor area. Drive-through uses (primary or accessory) are not allowed in TN2 – TN3 traditional neighborhood districts unless specifically permitted by a conditional use permit.

The store will be less than 10,000 square feet in gross floor area, so the proposed use meets this standards and conditions. The conditional use permit application is attached.

In Section 65.513, *Drive-through sales and services, primary and accessory*, it is noted:

Standards and conditions:

(a)

Drive-through lanes and service windows shall be located to the side or rear of buildings, shall not be located between the principal structure and a public street, and shall be at least sixty (60) feet from the closest point of any residentially zoned property or property occupied with a one-, two-, or multiple-family dwelling.

Response: The service window for the drive-through will be located to the rear of the building, so the first condition is met. The drive-through lane will not be located between the building and the street, so the second condition is met. We are requesting a modification of the distance between the lane and window and a residential property. This is described in the attached modification request.

(b)

Points of vehicular ingress and egress shall be located at least sixty (60) feet from the intersection of two streets and at least sixty (60) feet from abutting residentially zoned property.

The Atwater egress is at 68 ft. from the intersection of Atwater and Rice, meeting the first condition. The Atwater egress, located at the site of an existing curb cut, is less than 60 feet from the residentially zoned property to the west, so we are requesting a modification. In addition, the ingress/egress on Rice Street is proposed to move farther from the intersection than its current location (which is currently about 35 feet from the intersection), but the curb cut will only be 54 feet from the intersection, so we are requesting a modification.

(c)

Speaker box sounds from the drive-through lane shall not be plainly audible so as to unreasonably disturb the peace and quiet of abutting residential property.

No speaker box is proposed.

(d)

A six-foot buffer area with screen planting and an obscuring wall or fence shall be required along any property line adjoining an existing residence or residentially zoned property.

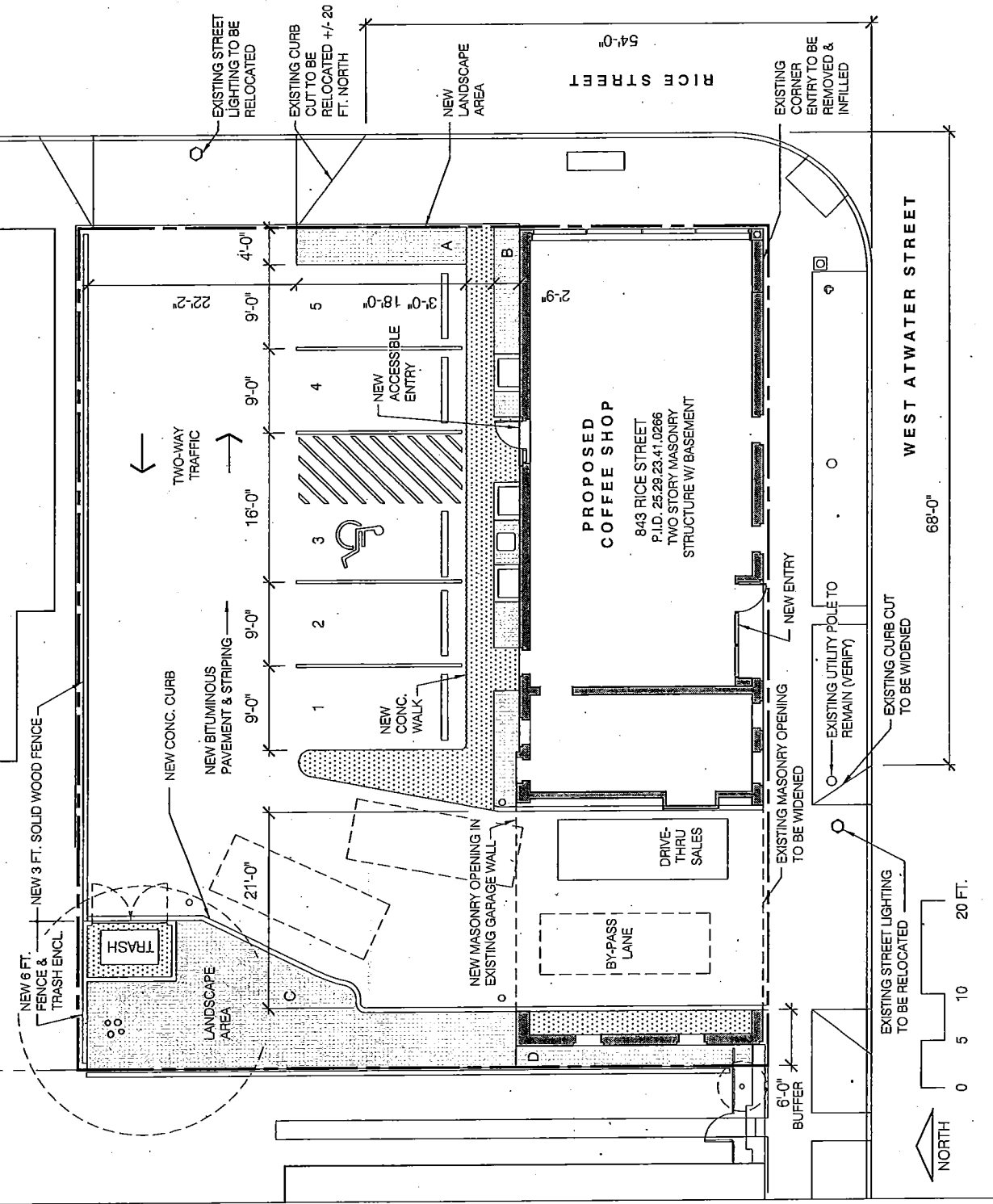
We are proposing measures that will obscure the drive-through sufficiently, including the existing 6-foot fence and placing the drive-through window inside the attached garage structure, but we need to request a modification as a 6-foot buffer is not physically possible. This modification is described in the attached modification request.

Additional condition in the TN2 traditional neighborhood district:

(e)

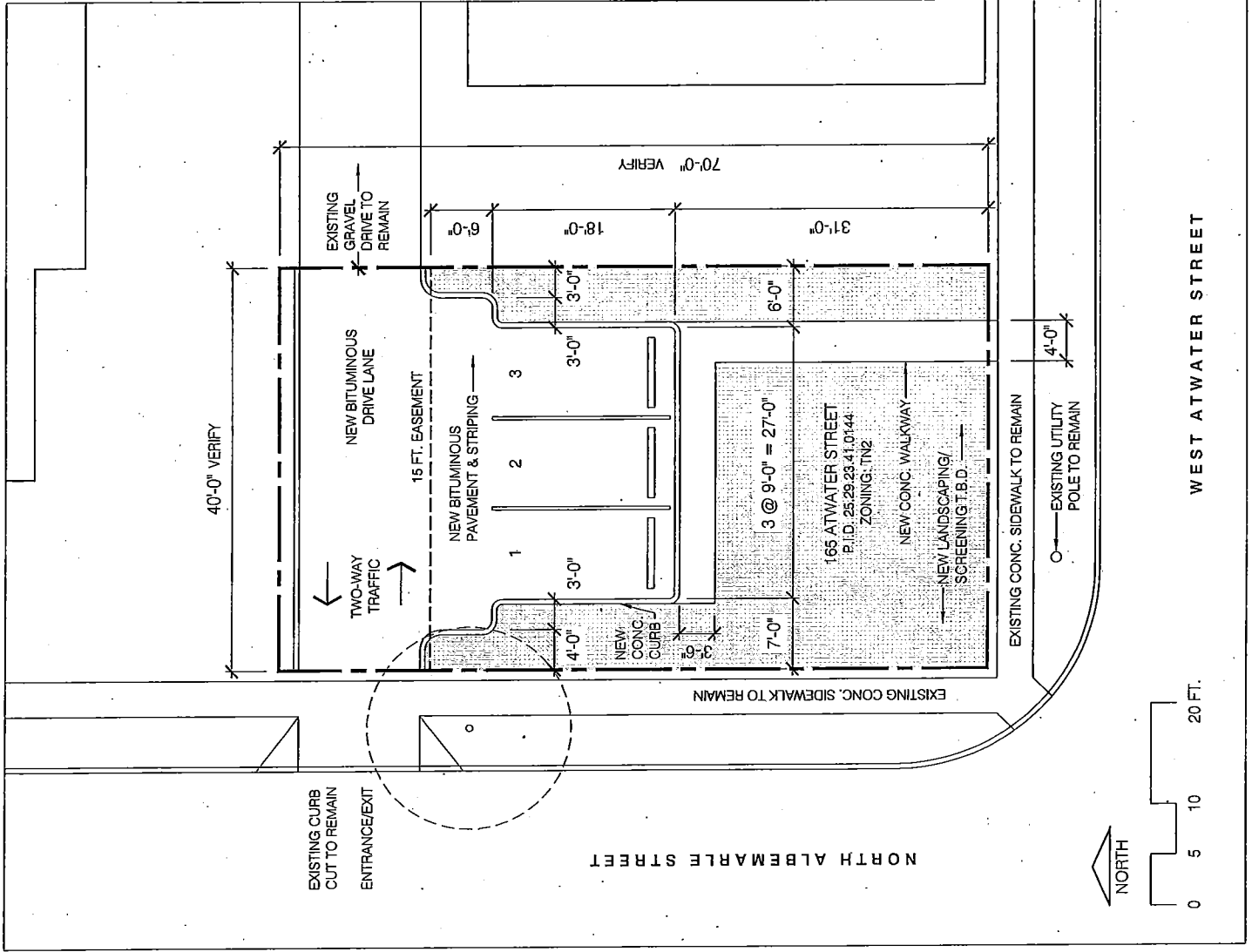
There shall be no more than one (1) drive-through lane and no more than two (2) drive-through service windows, with the exception of banks, which may have no more than three (3) drive-through lanes.

Only one drive-through lane and one service window is proposed.



SITE PLAN
1/16" = 1'-0"

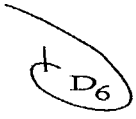
Paul Gates Architect
843 Rice Street Redevelopment
 St. Paul, MN
 Owner/Applicant: SPARC
 January 25, 2011



Paul Gates Architect
843 Rice Street Redevelopment
 St. Paul, MN

SITE PLAN
 1/16" = 1'-0"

January 27, 2011



District 6 Planning Council

171 Front Avenue
Saint Paul, MN 55117
651-488-4485 fax: 651-488-0343
district6ed@dist6pc.org

January 27, 2011

Zoning Committee of the Planning Commission:

On January 25, 2011 the District 6 Planning Council's Land Use Task Force met with Sparc, the applicant for a Conditional Use Permit with modifications-Coffee Shop with drive-through to be located at 843 Rice Street.

The Land Use Task Force is recommending approval of the Conditional Use Permit with the following additions to the site plan and permit being met:

- Traffic in to the coffee shop on Rice Street and exiting on to Atwater
- Arrows affixed to the pavement Rice Street delineating a one way
- Parking for employees will be on Albermarle Street with appropriate signage
- Buffering the parking lot on Albermarle Street with appropriate fencing and plantings and ensure proper lighting
- Eliminate parking on Atwater from the corner to the curb cut for safety reasons
- No fence is erected on any property adjacent to the property

Although the Task Force is recommending approval, there are still concerns over the possible traffic bottlenecking and left hand turns as well as possibly having to relocate the bus stop north from the current location of Rice Street and Atwater Street.

Please contact the office at the numbers above if you have any questions or would like further information or clarification. Thank-you for your consideration of the additional conditions aforementioned.

Regards,

Jeff Martens

Jeffery Martens
Land Use Task Force Chairman
District 6 Board Vice Chairman

Cc: Ward 5
Sparc

From: Nacta Pojanatus <nactapojanatus@yahoo.com>
To: <anton.erve@ci.stpaul.mn.us>
CC: <paul@paulgatesarchitect.com>, Patrick Donohue <pjd10@me.com>, <allison@...
Date: 1/31/2011 8:14 PM
Subject: 843 Rice Street, St. Paul MN 55117
Attachments: Letter to CUP comitee.pdf

Dear Mr. Jerve

My name is Nacta Pojanatus, I am the buyer of the 843 Rice Street, St Paul, MN 55117:

I am writing to you with regard to the recommendations made by District 6 to the our project on 843 Rice Street on the 3 points below:

1. Eliminate street parking from the corner to Atwater exit.
2. Make the Rice Street entrance ingress-only.
3. Eliminate the fence to the north

Kindly see our comments to the three points as follows:

1. Eliminate street parking from the corner to Atwater exit.
We do not want to have any restrictions on street parking along Atwater Street
2. Make the Rice Street entrance ingress-only
We would like to maintain both ingress and egress to Rice Street.

3. Eliminate the fence to the north

We wish to have a 6 feet fence on the north border of the property, as required by the ordinance, but we are willing to reduce the height of the fence to 3 feet if this is the preference of the abutting property owner. However, we do not wish to eliminate the fence completely as we are concerned about the pedestrian safety.

Thank you for your kind consideration on these matters.

Sincerely yours,

Nacta Pojanatus

Carl Nyberg
Atwater Street Properties, LLC
3835 W. Old Shakopee Road, Suite 300-193
Bloomington MN 55431
612.968.3333
ppire@comcast.net
www.buy-rent-sell.com

January 10, 2011

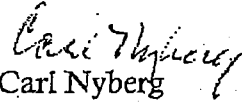
To Whom It May Concern:

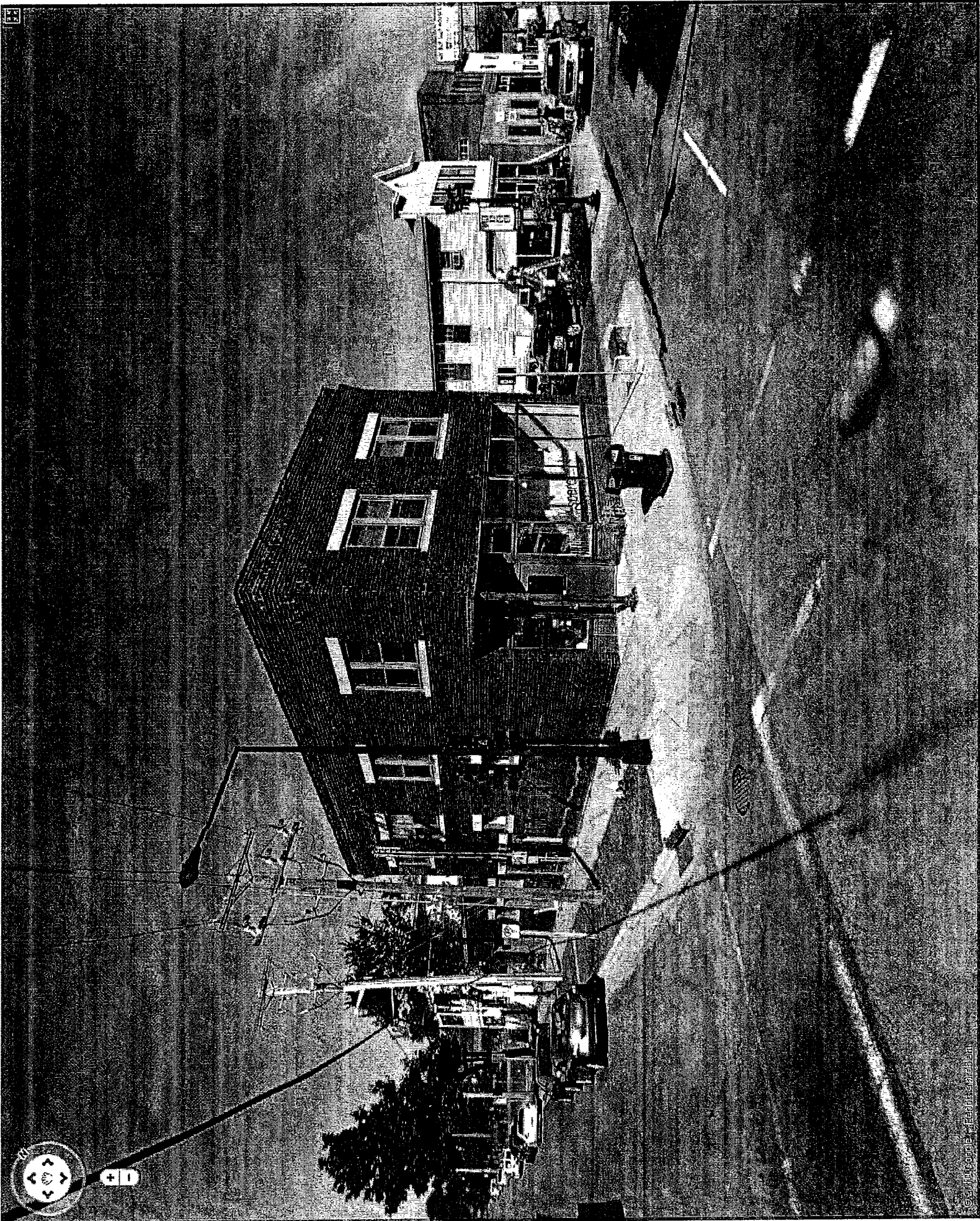
I am the owner of the 4-plex at 157 Atwater, which is located directly to the west of 843 Rice.

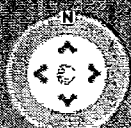
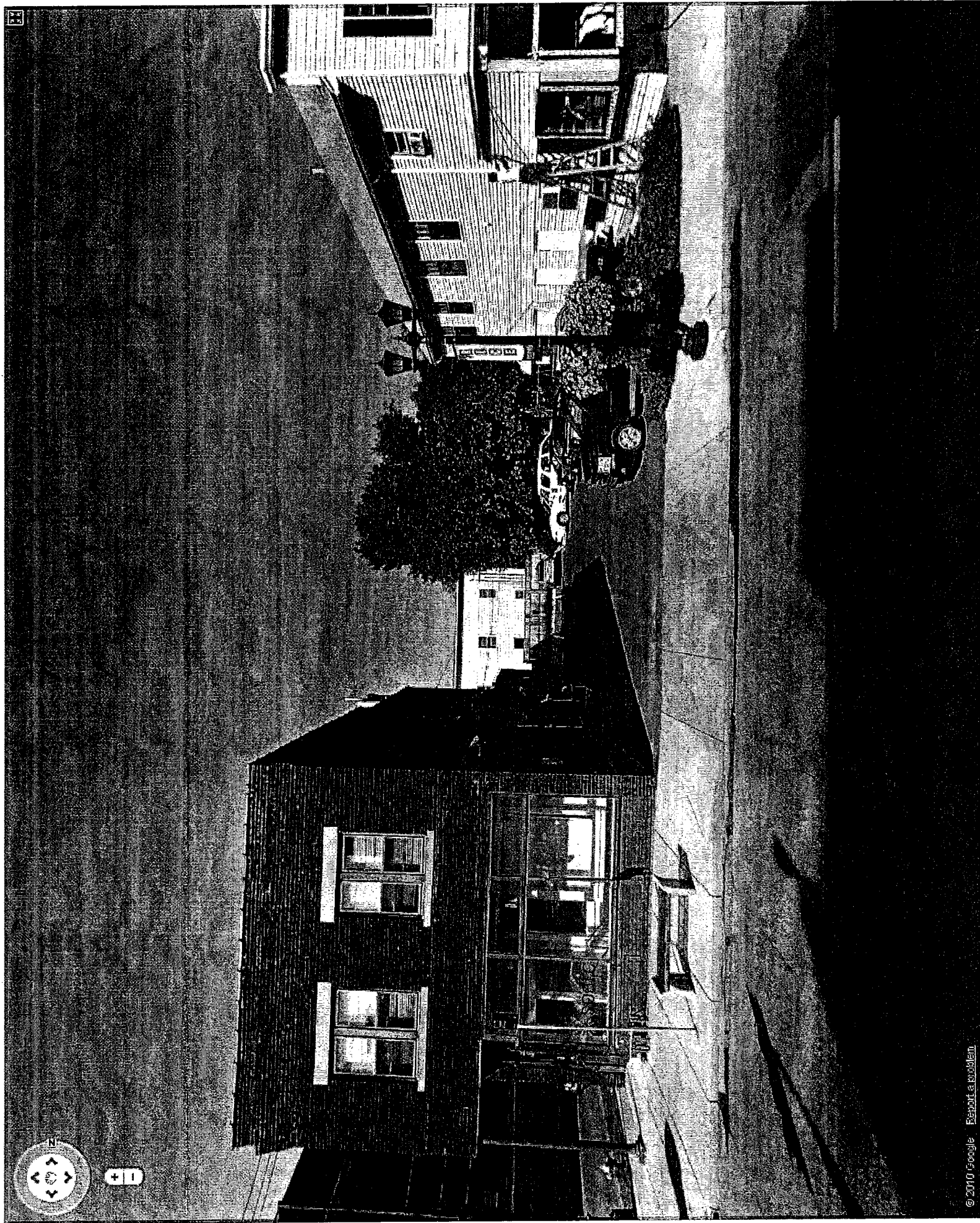
I am pleased to learn of the plan to open a coffee shop at 843 Rice. I support Sparc's application for a Conditional Use Permit for a coffee shop with drive through.

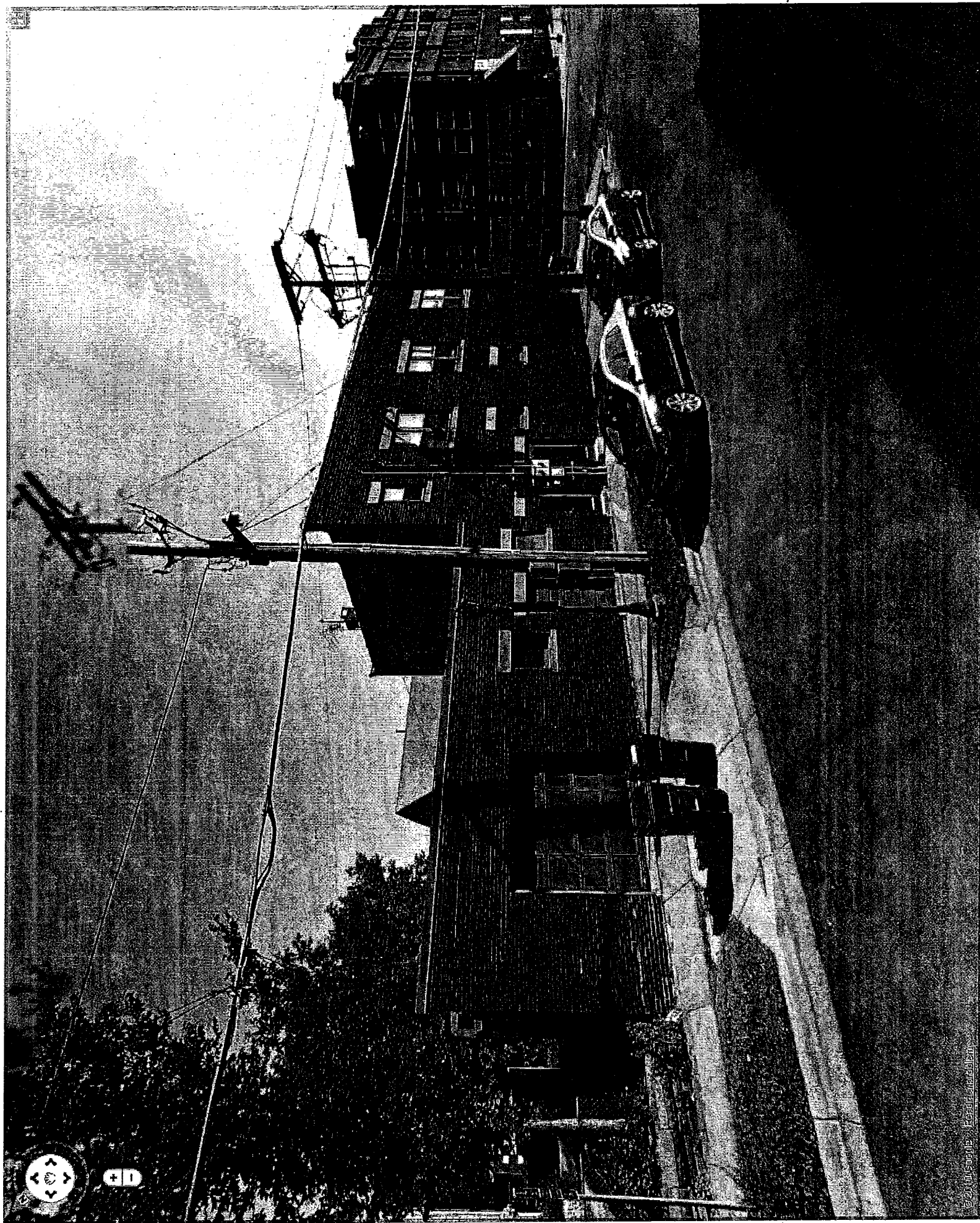
This plan has the potential to create an economic boost to the neighborhood that will be appreciated by investors and residents alike.

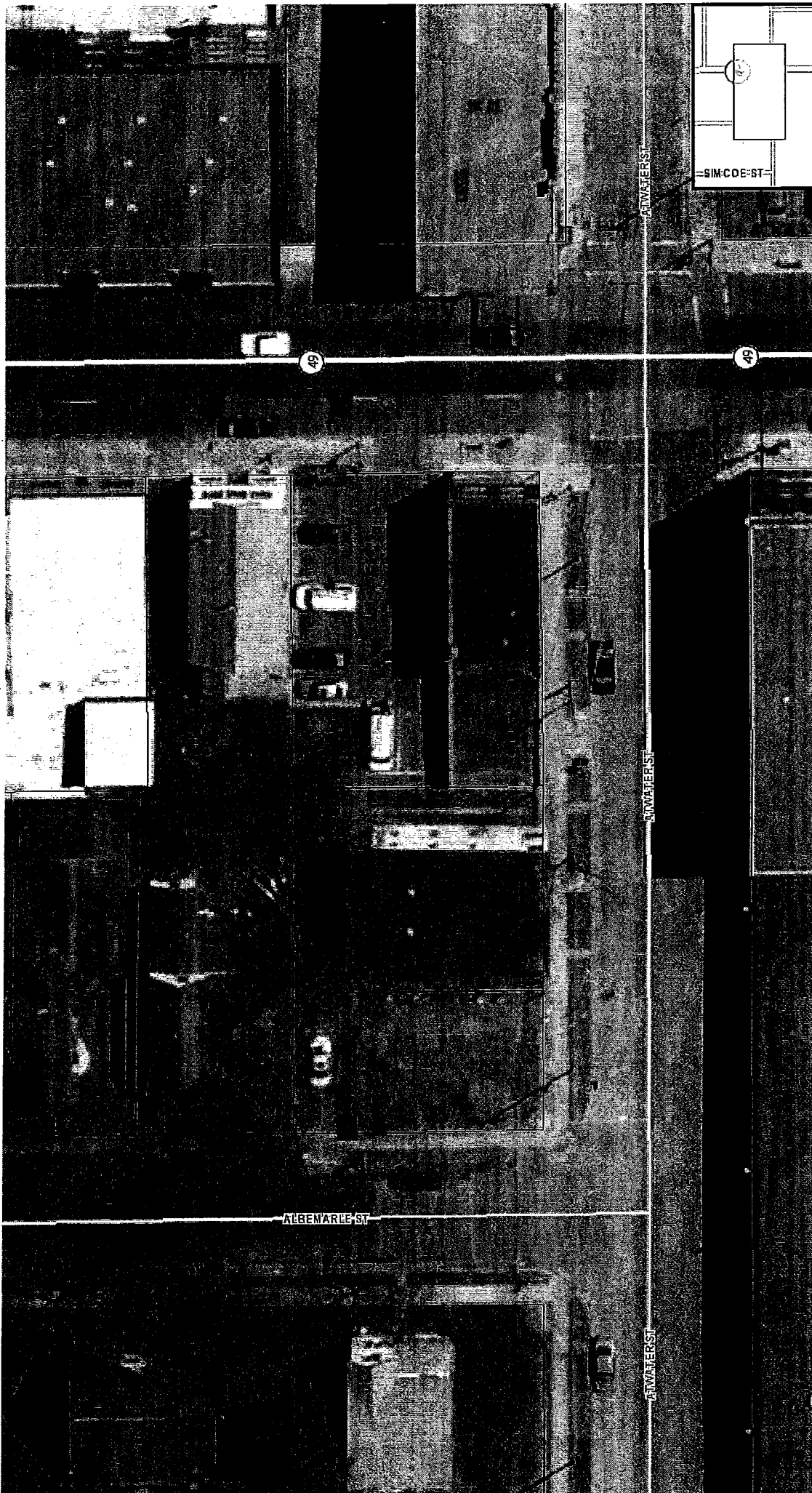
Sincerely,

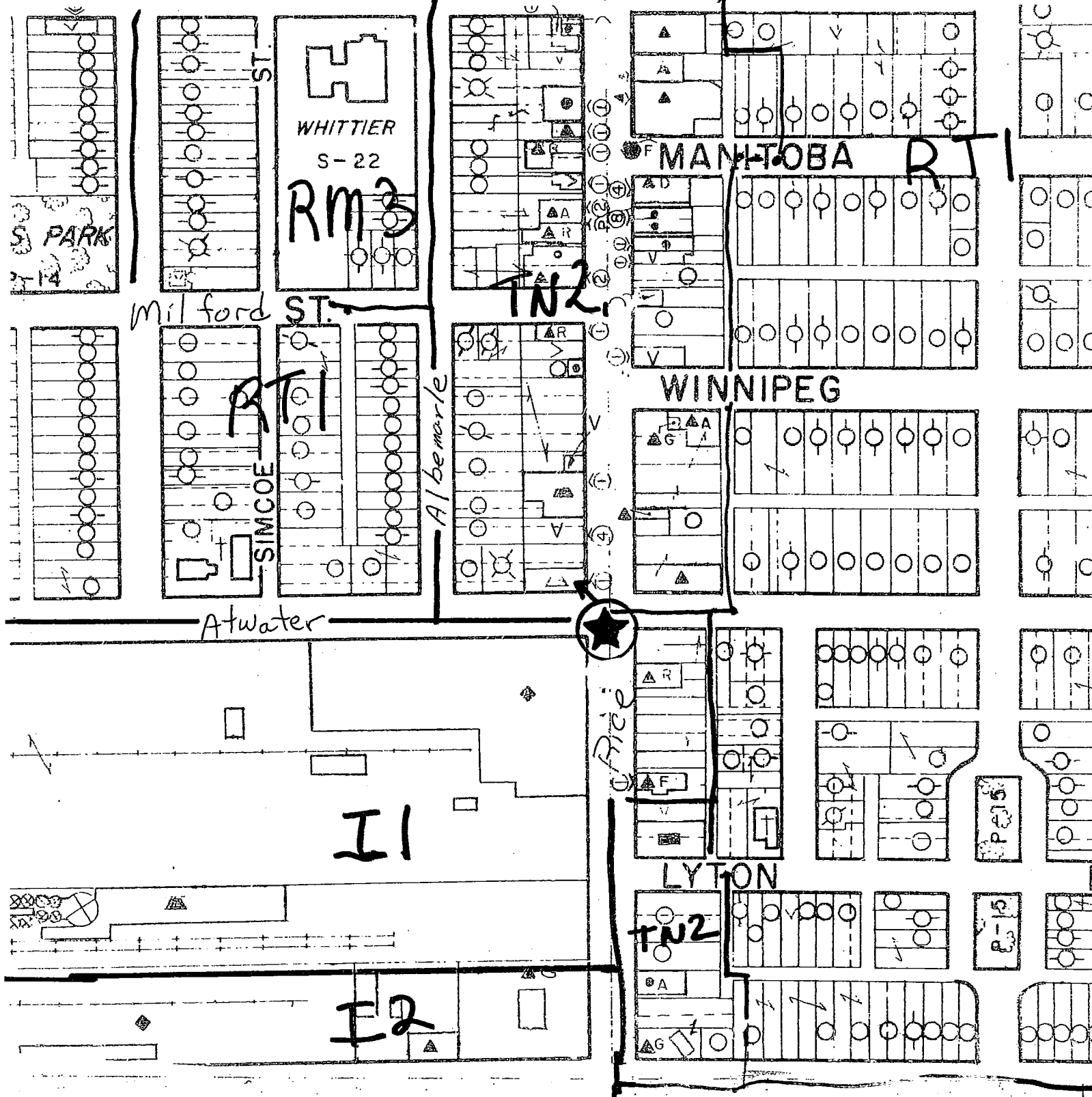

Carl Nyberg
Manager











APPLICANT SPARC
 PURPOSE CUP w/mod
 FILE # 11-003883 DATE 1-7-11
 PLNG. DIST. 6 MAP # 12

SCALE 1" = 100'



LEGEND

zoning district boundary

subject property

one family
 two family
 multiple family

commercial
 industrial
 vacant
 north



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

*25 West Fourth Street
Saint Paul, MN 55102*

*Telephone: 651-266-6712
Facsimile: 651-228-3341*

To: Zoning Committee of the Planning Commission

From: Luis Pereira, Planning staff

Date: February 24, 2011

Re: Update on 941-943 Thomas Avenue non-conforming use permit application (Z.F. #10-921-993)

Background

On January 27, 2011, the Zoning Committee of the Planning Commission held a public hearing on the application submitted by the Greater Frogtown Community Development Corporation for the re-establishment of a non-conforming 4-unit residential building at property located at 941-943 Thomas Avenue. The Zoning Committee laid over this application to February 24, 2011, instructing staff to explore possible conditions to be placed on the nonconforming use permit with respect to the number of occupants and/or residential units. The Zoning Committee also sought to provide more time for the applicant and the neighbors in opposition to the proposal to possibly come to a compromise.

Possible conditions to be imposed on the non-conforming use permit

The Assistant City Attorney informed the Zoning Committee during the January 27th public hearing that the Zoning Code permits up to four unrelated adults to reside in a residential unit, and if adults are related, the number could possibly be more. In addition, City Attorney stated that the number of occupants in a residential unit is capped by building and public health codes.

Since the January 27, 2011 Zoning Committee meeting, planning staff received additional input from the Assistant City Attorney and the Department of Safety and Inspections, outlined here:

1. The building/fire code requires 70 square feet for the first occupant of a bedroom, and 50 square feet for each additional person above and beyond the first occupant.
2. The City Attorney advised that in the context of considering an application to re-establish a nonconforming use, that it is certainly reasonable to consider reducing the number of residential units [as opposed to occupants] to some level that the Planning Commission determines to be more in keeping with the prevailing number of residential units in the surrounding neighborhood either as the neighborhood developed, or has evolved, or is presently zoned.

3. It is possible for the Planning Commission to put conditions on a nonconforming use permit related to factors such as the number of parking spaces, the extent/material of fencing, and the location/size of shed/storage facilities to be provided by the applicant.
4. It is possible for the Planning Commission to put conditions on an approval of this nonconforming use permit that would not allow any congregate residential facilities to use this property without it coming back to the Planning Commission and the Department of Safety and Inspections for the required additional permits.
5. It is possible for the Planning Commission to put a condition on this use that in effect implements a zero tolerance policy for illegal behavior among building residents. The lease that the applicant discussed at the public hearing may already cover this, but the Planning Commission could still make this a condition.
6. The maximum number of occupants for any building is determined by the occupancy standards set out under Leg. Code Chap. 34.13. The City Attorney advises that capping the occupancy level of a structure, as a condition on a nonconforming use application, at a level that is less than the level permitted under Chapter 34, potentially raises a variety of legal concerns regarding equal protection, fair housing, and freedom of association. In other words, if the building is large enough to permit "x" number of occupants under Chapter 34, the Planning Commission should not condition the nonconforming use permit to limit the occupancy to less than that permitted under Chapter 34.

Subsequent actions by the applicant

1. Upon learning about the occupancy requirements of the City, the applicant has chosen to redesign the interior layout of the building to provide bedrooms in each of the four units that are on average smaller than those in the original building plans. The new proposal is for four, four bedroom units, but the allowable occupancy under the fire code will end up totaling to a number less than 24, in line with the stated community intent at the public hearing.
2. The applicant, GFCDC, reached out to the residents who expressed concerns about the project. The residents requested for a meeting with GFCDC's Board of Directors. The agreed-upon date of the meeting is Monday, February 21, 2011 at 5:15pm. The residents will have an opportunity to learn about the new proposal and discuss their concerns about the project with GFCDC staff and Board of Directors. The proposed compromise is to reduce the occupancy of the building to five people per unit or 20 for the four units, based on a reduction of bedroom sizes as described in #1 above.
3. GFCDC/PPL has met with its architect to discuss plan drawings and building design. The architect is preparing updated drawings and plans that may be available at the February 24, 2011 Zoning Committee meeting.
4. GFCDC/PPL has discussed an updated pro forma based on adjusted construction costs.

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Greater Frogtown CDC (941 Thomas) **FILE #**10-921-993
2. **APPLICANT:** Greater Frogtown CDC **HEARING DATE:** January 27, 2011
3. **TYPE OF APPLICATION:** Nonconforming Use Permit-Reestablishment
4. **LOCATION:** 941 Thomas Ave, between Milton and Chatsworth
5. **PIN & LEGAL DESCRIPTION:** 352923210074; Joseph R Weides 5th addition E 1/2 Of Lot 11 & All Of Lots 12 & Lot 13 Blk 2
6. **PLANNING DISTRICT:** 7
7. **ZONING CODE REFERENCE:** §62.109(d) **PRESENT ZONING:** RT1
8. **STAFF REPORT DATE:** January 14, 2011 **BY:** Luis Pereira
9. **DATE RECEIVED:** November 10, 2010 **60-DAY DEADLINE FOR ACTION:** March 10, 2011.
(see attached letter)

- A. **PURPOSE:** Re-establishment of nonconforming use as a 4-unit building.
- B. **PARCEL SIZE:** 10,250 sq. ft. (125' deep X 82' wide) plus half the alley (8.25' X 82' = 676 sq. ft)
- C. **EXISTING LAND USE:** Vacant four-family dwelling
- D. **SURROUNDING LAND USES:**
 - North: Single family detached house across alley (RT1)
 - East: Duplex (RT1)
 - South: Single family detached house across Thomas Ave (RT1)
 - West: Single family detached house (RT1)
- E. **ZONING CODE CITATION:** §62.109(d) lists the conditions under which the Planning Commission may grant a permit to re-establish a nonconforming use.
- F. **HISTORY/DISCUSSION:** Built in 1900, the City of Saint Paul Department of Safety and Inspections records indicate the property has long been used for multifamily purposes. A 2001 building permit to replace the roof indicates the property was a four-unit building.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 7 Planning Council has provided staff with a verbal recommendation of disapproval of this application.
- H. **FINDINGS:**
 1. According to Ramsey County records, the multifamily property at 941-943 Thomas has been sold four times in the last 10 years, all four times as a "non-qualified sale," and two of the three last times with a description of "Forced Sale, Auction, Foreclosure." On July 29, 2010, the applicant purchased the property for \$44,000. According to the applicant, the property has been vacant for four years, and a previous investor-owner gutted the interior, renovated the exterior, and subsequently foreclosed on the property.
 2. The applicant has submitted floor plans that show four, two-story units, with two 2,000 square foot units located on the basement and first floor (each housing a maximum of five people per the Fire Code regulations), and two 1,850 square foot units located on the second floor and attic (each housing a maximum of seven people per Fire Code regulations). Each unit is proposed to have three bedrooms, two bathrooms, a kitchen, living room, and dining room. The building's finished area is approximated to be 8,000 square feet.
 3. Section 62.109(e) states: *When a nonconforming use of a structure, or structure and land in combination, is discontinued or ceases to exist for a continuous period of three hundred sixty-five (365) days, the planning commission may permit the reestablishment of a nonconforming use if the commission makes the following findings:*
 - (1) *The structure, or structure and land in combination, cannot reasonably or economically be used for a conforming purpose.* This finding is met. The property is zoned RT1 two-family, requiring a minimum lot size of 3,000 square feet per unit, and a minimum lot width of 25

feet per unit. While the property is large enough to support three units under these RT1 dimensional standards, maintaining the four-unit use is reasonable given the building history, large building size, and large property size – consisting of two and a half lots.

In addition, the applicant has shared with staff its estimates about the costs of development (rehabilitation and renovation) as well as the property's cash flow over a 15-year period. According to these calculations, to convert the property to a conforming duplex use, the cash flow over a 15-year period would result in a total net loss of \$42,000 - \$67,000, or an annual loss of between \$4,700 and \$5,700. Losses also result if the property is converted to a triplex use. However, if the property is rehabilitated and remains as a four-unit building, the property essentially breaks even, resulting in a net profit of \$21,000 over a 15-year period.

- (2) *The proposed use is equally appropriate or more appropriate to the district than the previous nonconforming use.* This finding is met, as the property was most recently used as a four-unit building, making it equally appropriate to remain as the same use. The applicant states that there are no major changes being made to the structure of the building.
- (3) *The proposed use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare.* This finding is met. While the property at 941-943 is quite large, its continued use as a four-unit building will not be detrimental to the existing character of development in the neighborhood, given its long history as the same use. Similar to this property, several surrounding properties are two stories in height, and large existing street trees and its large lot area limit the visual impact of the building on the immediate neighborhood. The applicants plan on keeping the large sideyard as open space for the building residents. Potentially up to eight parking spaces for residents will be provided on a parking pad to be located off of the alley (six parking spaces are required for four 3-bedroom units). Guardian Management is proposed to manage and maintain the property once it is occupied.
- (4) *The proposed use is consistent with the comprehensive plan.* This finding is met. Policy 3.2. of the Housing Chapter of the Comprehensive Plan (*Housing Plan*) states that new housing opportunities for low-income households should be supported throughout the city, and subsection (b) encourages "the acquisition of privately-owned affordable housing and land for affordable housing by nonprofit organizations, land trusts, community development corporations, religious institutions, tenants, or private sector actors committed to affordable housing, thereby protecting it from upward pressure on prices and rents. This is a priority in areas expected to experience gentrification...." This property, one of 6-7 properties located throughout Frogtown, is part of a scattered site affordable rental package to be managed by Greater Frogtown CDC (a community development corporation) and Project for Pride in Living (a nonprofit housing provider), will provide affordable housing to four families. Both the City of Saint Paul and Minnesota Housing Finance Agency have provided funds to this project; in particular, the City has provided \$48,000 to assist with acquisition via the Frogtown Flexible Fund. In addition, the proposal is consistent with the target affordability thresholds, outlined in policy 3.3(a), and with policy 1.2 of the Housing Plan, which calls for transit-oriented housing. This site is located at a walkable distance from a future light rail station – slightly more than one-half mile from a platform to be located at Oxford Street.
- (5) *A notarized petition of two-thirds of the property owners within one hundred (100) feet of the property has been submitted stating their support for the use.* This finding is met. The petition was found sufficient on November 10, 2010: 23 parcels eligible; 16 parcels required; 16 parcels signed.

The application for the permit shall include the petition, a site plan meeting the requirements of section 61.401, floor plans, and other information as required to substantiate the permit. This finding is (not) met.

- I. **STAFF RECOMMENDATION:** Based on the findings above, staff recommends approval of the re-establishment of nonconforming use as a 4-unit building.

Request for Continuance

Date: 11/29/10

Donna Drummond
Planning Director
City of Saint Paul PED
1400 City Hall Annex
Saint Paul, Minnesota 55102

Re: Zoning File # 10-921-993 Greater Frogtown CDC

Dear Ms. Drummond:

I am the applicant or the applicant's duly appointed representative for this zoning file.

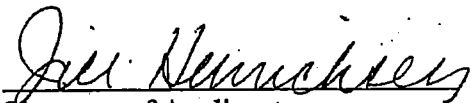
I request a postponement of the public hearing on the application in this zoning file, which is presently scheduled before the Zoning Committee on December 9, 2010.

I understand that a postponement of the public hearing before the Zoning Committee means that the decision of the Planning Commission on this application will also be postponed.

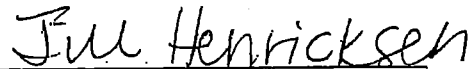
I am aware of and understand the statutory requirements found in Minn. Statue § 15.99 (1995) requiring the City of Saint Paul to approve or deny this application within sixty days of its submission. I desire to waive the sixty day period for a City decision under Minn. Stat. §15.99 to accommodate the postponement I am requesting.

I will contact you when we are ready to proceed with the Planning Commission review of this application, and will provide any revised plans at that time.

Sincerely,



Signature of Applicant or
Applicant's duly appointed
representative.



Printed name of Applicant or
Applicant's duly appointed
representative.

11/29/2010



NONCONFORMING USE PERMIT APPLICATION
 Department of Planning and Economic Development
 Zoning Section
 1400 City Hall Annex
 25 West Fourth Street
 Saint Paul, MN 55102-1634
 (651) 266-6589

RECEIVED

NOV 10 2010
 Per AD-7

Zoning Office Use Only
 File #: 10-921993
 Fee: 650⁰⁰
 Tentative Hearing Date: 12-9-10

352923210074

APPLICANT

Name Greater Frogtown CDC
 Address 533 Dale St. N
 City St Paul St. MN Zip 55103 Daytime Phone 651-789-7400
 Name of Owner (if different) Frogtown Dvp LLC
 Contact Person (if different) Jan Plitnick Phone 651-789-7406

PROPERTY LOCATION

Address/Location 941-943 Thomas Avenue
 Legal Description Joseph R. Weide's Sth Addition to St Paul E
1/2 of Lot 11 All Lot 12 Lot 13 Current Zoning RT1/R-3/4 Family
 (attach additional sheet if necessary) Legal Non Conforming
Vacant Buildings Cat 2

TYPE OF PERMIT: Application is hereby made for a Nonconforming Use Permit under provisions of Chapter 62, Section 109 of the Zoning Code:

- The permit is for: ☐ Change from one nonconforming use to another (para. c)
☒ Re-establishment of a nonconforming use vacant for more than one year (para. e)
☐ Establishment of legal nonconforming use status for use in existence at least 10 years (para. a)
☐ Enlargement of a nonconforming use (para. d)

SUPPORTING INFORMATION: Supply the information that is applicable to your type of permit.

Present/Past Use RT1/R-3/4 Family Legal Non Conforming - Vacant Buildings
 Proposed Use RT1/R-3/4 Family Legal Non-Conforming Cat 2

Attach additional sheets if necessary

Previous Use was a Four Unit Building FP 11/10/10
 Proposed Use is a Four Unit Building

CL
 3310⁰⁰
 650

Attachments as required ☒ Site Plan

☒ Consent Petition

☒ Affidavit

Applicant's Signature Joe Henrichsen Date 11/4/10 City Agent pdh

11/10/10

| 1) | 2 UNITS-4 bedrooms each | | | | 3 UNITS - 4 bedrooms each | | | | 4 UNITS - 3 bedrooms each | | | |
|----|---|----|------------|--|---------------------------|--|--|--|---------------------------|------------|--|--|
| | Development Budget (Vacant Building / Before & during renovation) | | | | | | | | | | | |
| | Acquisition | \$ | 48,000.00 | | | | | | \$ | 48,000.00 | | |
| | Soft Costs | \$ | 104,355.00 | | | | | | \$ | 124,486.00 | | |
| | Construction Costs | \$ | 428,896.00 | | | | | | \$ | 533,520.00 | | |
| | Total Development Costs | \$ | 581,251.00 | | | | | | \$ | 706,006.00 | | |

| 2) Cash Flow Budget (Tenant Occupied Building / After renovation is complete) | | | | | | | | | | | | |
|---|---------------|---------------|---------------|---------------|---------------|--------------|---------------|---------------|---------------|--------------|--------------|---------------|
| | Year 1 | Year 5 | Year 10 | Year 15 | Year 1 | Year 5 | Year 10 | Year 15 | Year 1 | Year 5 | Year 10 | Year 15 |
| Estimated Gross Income | \$ 16,830.00 | \$ 21,016.00 | \$ 22,088.00 | \$ 23,215.00 | \$ 25,245.00 | \$ 31,524.00 | \$ 33,132.00 | \$ 34,822.00 | \$ 33,660.00 | \$ 42,032.00 | \$ 44,176.00 | \$ 46,430.00 |
| Operating/Expenses (including reserves and debt service) | \$ 22,561.00 | \$ 24,507.00 | \$ 26,798.00 | \$ 29,441.00 | \$ 29,491.00 | \$ 32,411.00 | \$ 35,847.00 | \$ 39,812.00 | \$ 34,721.00 | \$ 38,615.00 | \$ 43,195.00 | \$ 48,482.00 |
| Profit/Loss | \$ (5,731.00) | \$ (3,491.00) | \$ (4,710.00) | \$ (6,226.00) | \$ (4,246.00) | \$ (887.00) | \$ (2,715.00) | \$ (4,990.00) | \$ (1,061.00) | \$ 3,417.00 | \$ 981.00 | \$ (2,052.00) |

| | | | | | | | |
|----|---------------------------------|----|-------------|----|-------------|----|-----------|
| 3) | Total Profit/Loss over 15 years | \$ | (67,434.00) | \$ | (35,901.00) | \$ | 21,132.00 |
|----|---------------------------------|----|-------------|----|-------------|----|-----------|

| | | | | | | | |
|------------------------|----------------|--------------|--------------|--------------|--------------|--------------|--------------|
| 50% Area Median Income | Household Size | 1 | 2 | 3 | 4 | 5 | 6 |
| Annual Income | | \$ 17,650.00 | \$ 20,200.00 | \$ 22,700.00 | \$ 25,200.00 | \$ 27,250.00 | \$ 29,250.00 |

| | | |
|----------------------|-----------|-----------|
| HOME Rents (Federal) | 1 bedroom | \$ 640.00 |
| | 2 bedroom | \$ 748.00 |
| | 3 bedroom | \$ 935.00 |
| | 4 bedroom | \$ 995.00 |



**DISTRICT 7
PLANNING
COUNCIL**

651/789-7480 (office)
651/789-7482 (fax)
district7pc@yahoo.com (e-mail)
685 Minnehaha Ave
Saint Paul, Minnesota 55104

Non-conforming Use Permit

Property: 941-943 Thomas Ave.
File# 10-921-993

Issue: Re-establishment of a
nonconforming use as a 4-unit building.

Meeting Date: December 28, 2010
Meeting Location: 685 Minnehaha Avenue
Total # in Attendance: 16
(A list can be provided upon request)
of residents and business/ property owners in attendance located in District 7: 11
Applicant Present: yes

Community Response at Meeting**:

Pros

- The property would be managed by a local nonprofit.
- The Police Department loves Guardian Management.
- Easy to contact owner with any concerns.
- The adjoining vacant lot will be kept green.
- This could be the best offer

Cons

- A maximum of 24 people is too many
- Are there enough places nearby for children to play?
- There is a lot of renter density in the immediate area.
- There are concerns about both the off street and on street parking. How will that many cars fit?
- Would be more open to a Triplex or fewer bedrooms.
- Would rather see a nonprofit social service agency in one of the units.
- Why do all four floors have to be used as living space? Where is the storage?

Community Response Outside of Meeting**:

Pros

Cons

- There should be basement storage or a garage for dirty storage (i.e. – bicycles)

* Prior to the meeting all properties within 350 ft. of the property in question were informed of the issue.

+ The applicant was notified of the community meeting immediately after District 7 received a copy of the application from the City.

** All listed responses were given by individuals living, working or owning property in the boundaries of District 7 Planning Council.

General Consensus or Vote:

0 in Support / 7 in Opposition / 4 in Abstention

The District 7 Planning Council recommends denial of the Nonconforming Use.

Respectfully submitted by: Tait A. Danielson Castillo
Executive Director
District 7 Planning Council



greater frogtown

community development corporation

RECEIVED

NOV 10 2010

November 10, 2010

Per _____

St. Paul Planning Commission
C/o Zoning Section
25 West Fourth Street
1400 City Hall Annex
Saint Paul, MN 55102

Dear Committee Members:

This letter is in reference to our application for the re-establishment of a non-conforming use for 941-943 Thomas Avenue in St. Paul. Since the property has been vacant for more than one year, we are requesting the re-establishment of the previous use as a four unit property. Based on the zoning regulations, there are four areas which must be confirmed to approve the change in zoning status.

First, the structure, or structure and land in combination cannot reasonably or economically be used for a conforming purpose. GFCDC's plan is to utilize this property as a four unit rental property. The use of the property as a single family home would not be reasonable or economically sound. This property was built as a multi-unit building and has always been used as that.

Second, the proposed use is equally appropriate or more appropriate to the district than the previous non-conforming use. Since the property was four units in the previous use, it is equally appropriate for use as a four unit property. There are no major changes being made to the structure of the building or the existing property.

Third, the proposed use will not be detrimental to the existing character or development in the immediate neighborhood or endanger the public health, safety or general welfare. We are maintaining the current structure of the home and keeping the side lot as open space for the residents of the property. We do not anticipate any detriment to the public safety or character of the neighborhood. If there are any concerns about property management, GFCDC will be utilizing Guardian Management to manage and maintain the property once it is occupied and rented.

Fourth, the use is consistent with the comprehensive plan for the surrounding area. In the 2010 Comprehensive Plan, there is support for the creation of new affordable housing opportunities. The plan mentions assisting community development corporations in the acquisition of affordable housing. Furthermore, this is an area which may experience gentrification, due to its close proximity of the Central Corridor Light Rail along University Avenue. Each of these statements is consistent with the Comprehensive Plan.

Fifth, we have obtained a notarized petition of surrounding property owners. 16 of 23 property owners have agreed to our proposed use for the property. Based on zoning regulations, this is more than two-thirds of the surrounding property owners or 69%.



greater frogtown
community development corporation

RECEIVED

NOV 10 2010

Per _____

This foreclosed property has been vacant and blighted for four years. Neighbors on this block are anxious for the property to be renovated and occupied again. The interior of the property has been entirely gutted so everything in the property will be brought up to code. Our finished product will be a four unit building with three bedrooms in each unit for families with incomes below 50% of the area's median income.

We are excited to begin renovation of this property and to provide affordable rental housing in the midst of the foreclosure crisis that has hit Frogtown.

If there is any further information needed, please let us know and we'd be happy to provide it. Thank you for considering our request.

Sincerely,

Jill Henricksen
Executive Director
651-789-7487



greater frogtown
community development corporation

RECEIVED

NOV 10 2010

Per _____

October 8, 2010

Re: Rezoning petition for 943 Thomas Avenue

Greater Frogtown Community Development Corporation (GFCDC) is requesting your signature on a petition to be submitted to the City of St. Paul to allow rezoning of the vacant property at 943 Thomas Avenue.

GFCDC, which has been in operation for 15 years, is a non-profit housing and small business developer and lender. We substantially renovate vacant properties for low income families and originate grants and loans for home improvements to Frogtown properties.

At the end of July, GFCDC purchased this vacant property for our affordable rental project. GFCDC, in partnership with another organization, has secured City and State funds for the complete renovation of the property. We will do energy improvements, replace all mechanicals and make any structural repairs necessary.

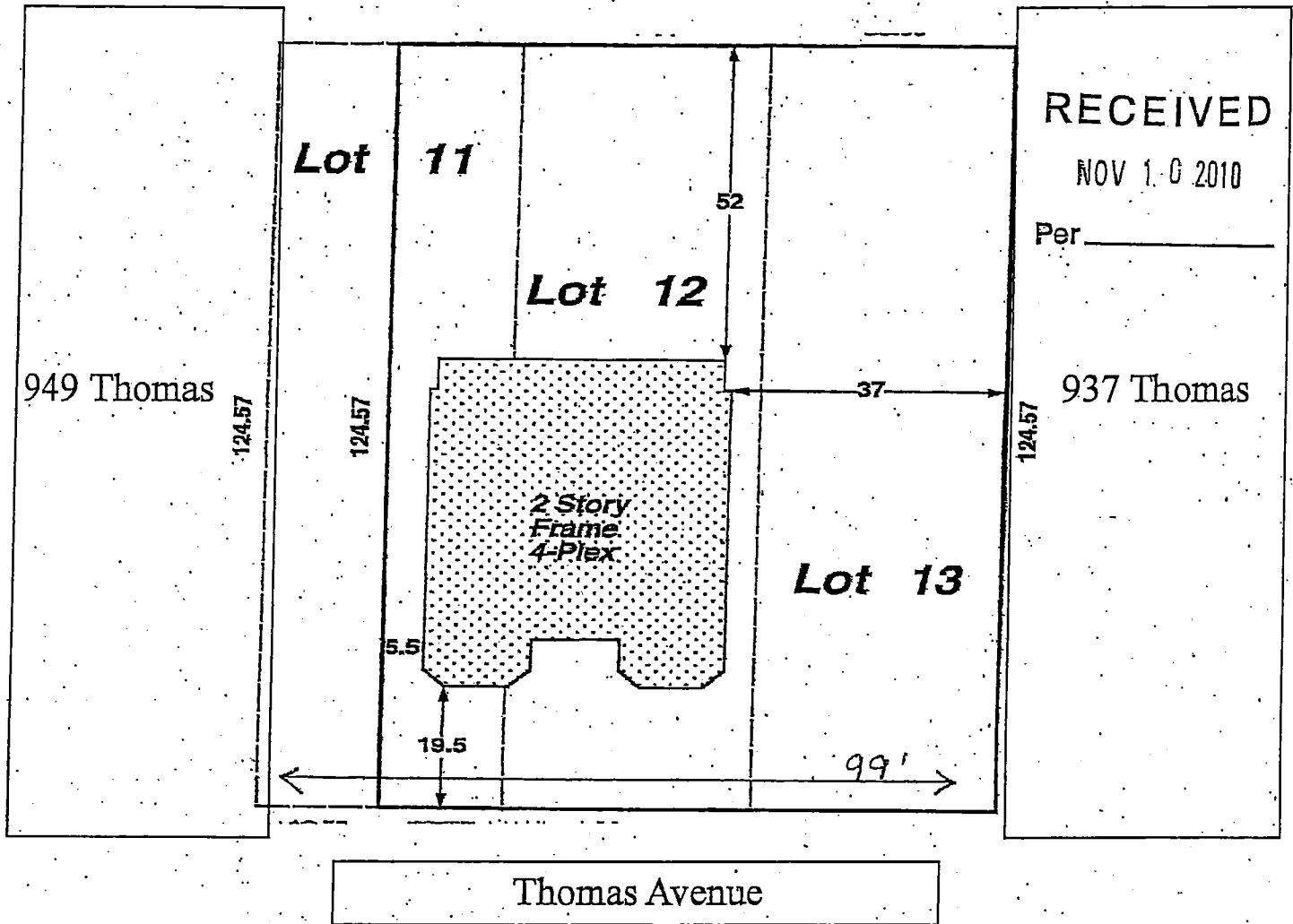
The tenants we select must pass a thorough background check and we are working with a reputable management company who specializes in managing small rental properties in inner city neighborhoods. In addition, GFCDC is located in the community at the corner of Charles and Dale Street. Our staff will work closely with the neighbors and our management company to proactively address any potential problems.

Since 943 Thomas has been vacant for at least one year, we need approval of surrounding property owners to reestablish zoning as a four plex. Please sign the enclosed form and send it back to our office in the postage paid envelope. If you have any questions, please contact me at 651-789-7406. I would be happy to talk with you further about our plans for the property.

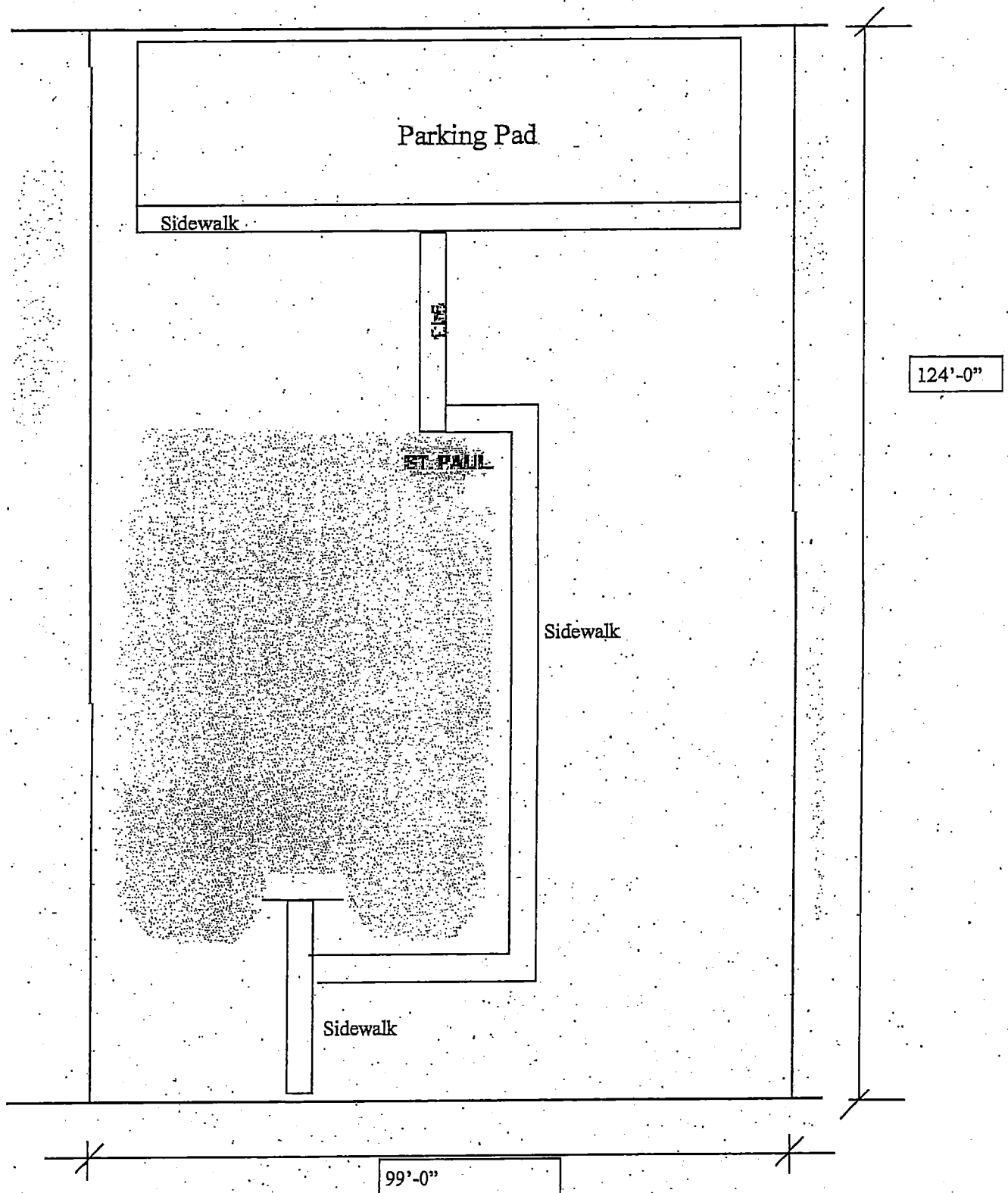
Sincerely,

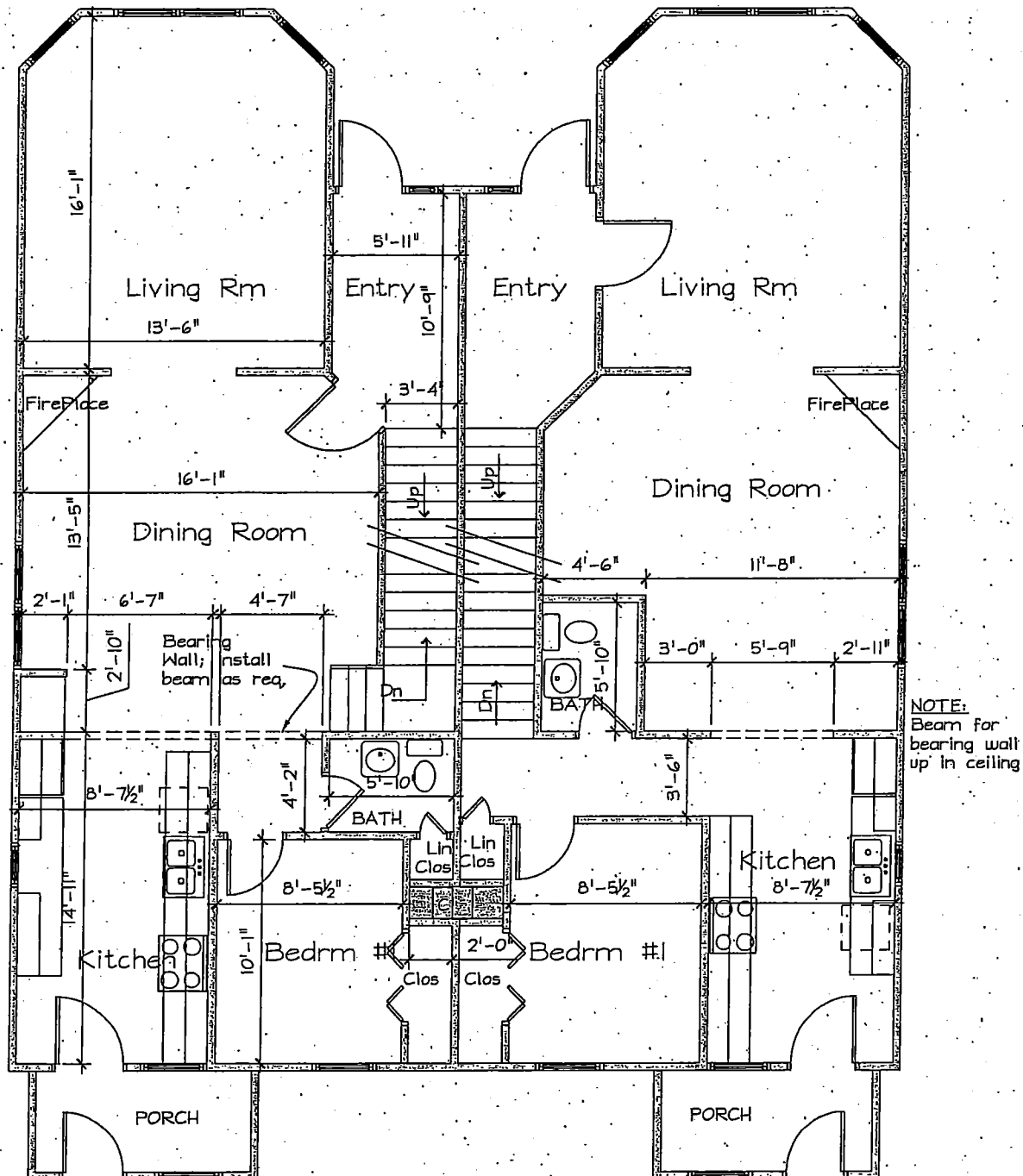
Ian Plitnick
Program Assistant, Americorps

943 Thomas Exterior Design

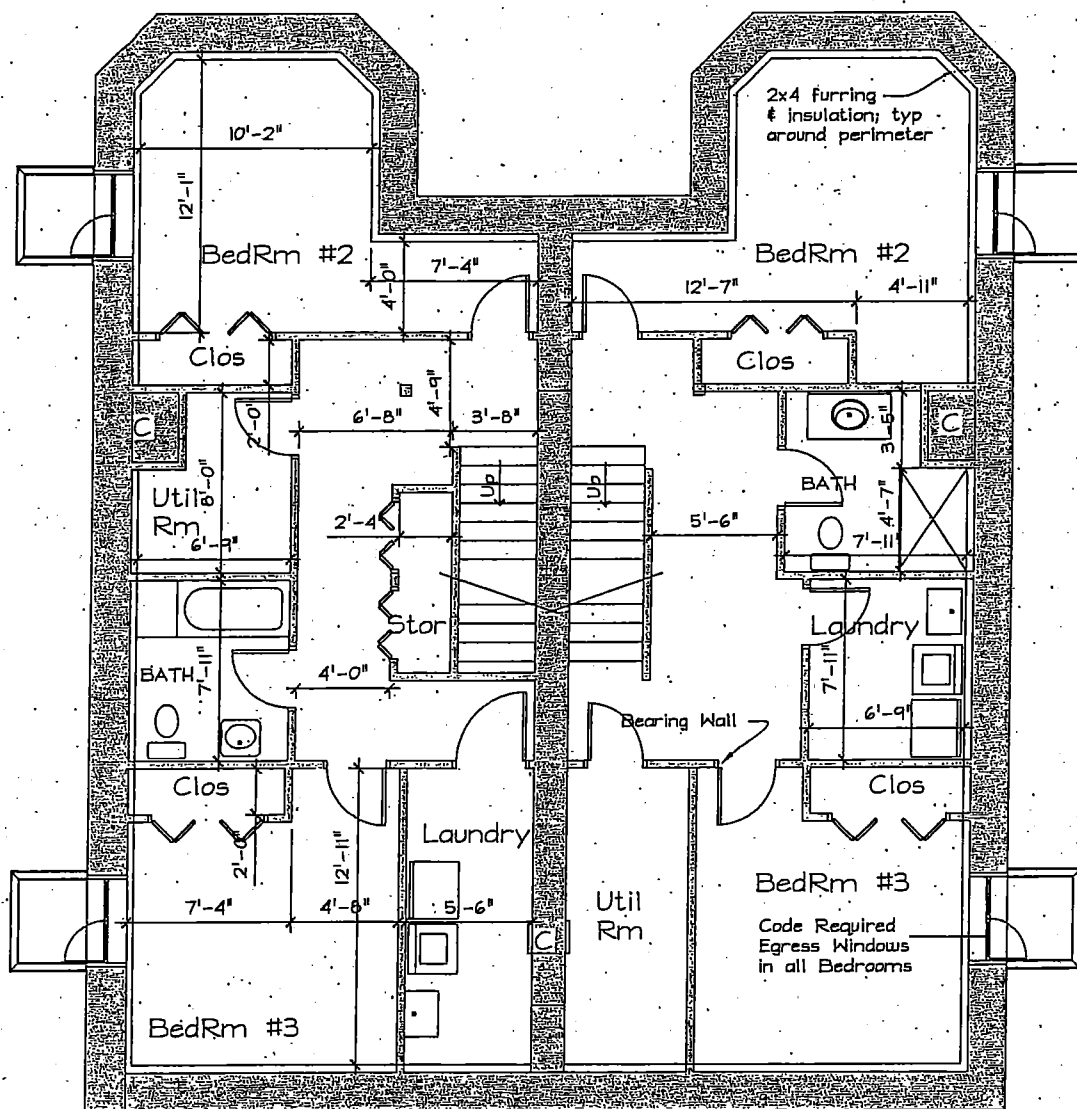


943 Thomas Site Plan

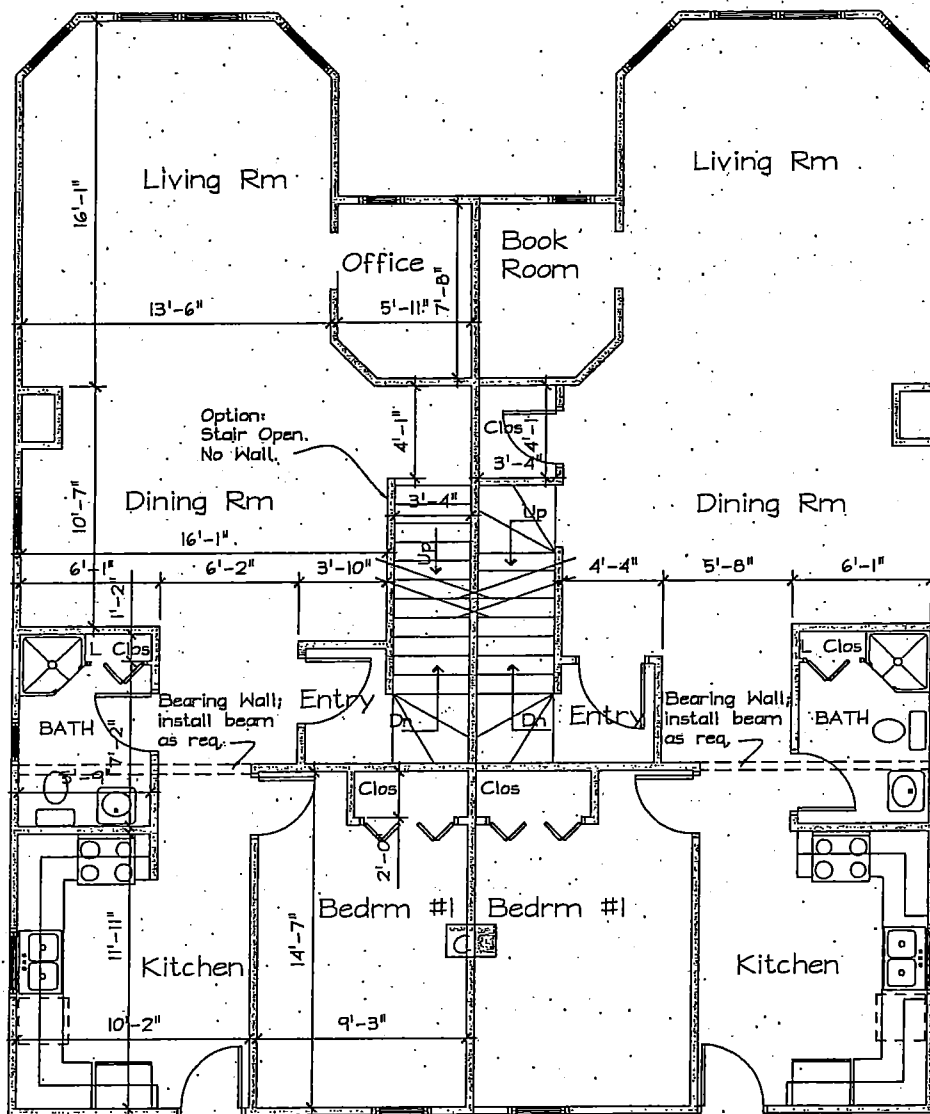




FIRST FLOOR PLAN
OPTION TWO-Dimension
 Scale 3/16"=1'-0"

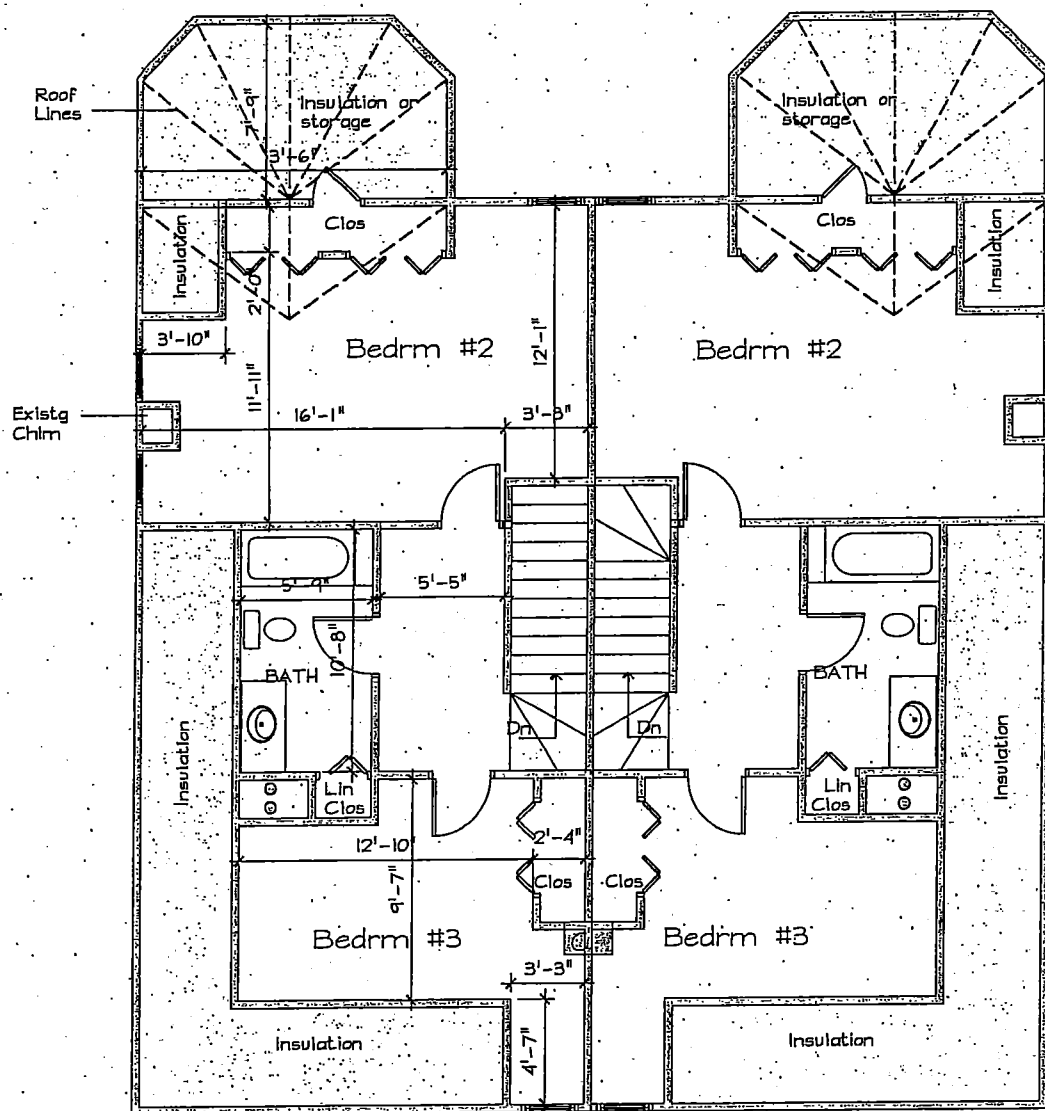


BASEMENT PLAN
OPTION ONE-Dimension
 Scale 3/16"=1'-0"



SECOND FLOOR OPTION ONE-Dimension

Scale 3/16"=1'-0"



ATTIC FLOOR
 OPTION ONE-Dimension
 Scale=3/16"=1'-0"

ZONING PETITION SUFFICIENCY CHECK SHEET

REZONING

CUP

NCUP

FIRST SUBMITTED

DATE PETITION SUBMITTED:

10-19-10

DATE OFFICIALLY RECEIVED:

RESUBMITTED

DATE PETITION RESUBMITTED

11-10-10

DATE OFFICIALLY RECEIVED:

PARCELS ELIGIBLE:

23

PARCELS REQUIRED:

16

PARCELS SIGNED:

14

PARCELS ELIGIBLE:

23

PARCELS REQUIRED:

16

PARCELS SIGNED:

16

CHECKED BY:

Paul Dubruie L

DATE:

11-12-10

22 January 2011

1400 City Hall Annex
25 Fourth St. West
St. Paul, MN 55102

Dear Members of the St. Paul Planning Commission:

I am writing to voice opposition to the proposed non-conforming use of 941 Thomas Ave. My husband and I live at 940 Lafond Ave., directly behind the Thomas property, and have been closely following the plans. Both of us signed the petition to allow the permit to go ahead. (We were told that the permit process was just a formality and that the property was first designed for use as a four-plex. This was not quite true—a duplex was the original use). We feel that we were misled about the proposal and we *would not have signed* the petition if we had had full information.

Since signing, we have attended several meetings at the District 7 Planning Council (Frogtown Forum) and have become *very concerned* by what we've heard. We've learned that every square inch of the property would be fully developed, including basement and attic, to yield over 8000 square feet of living space. Like our neighbors, we had signed the petition with the understanding that the property would remain at about 4000 square feet, as it was before. The four units, each at over 2000 square feet, are much larger than most of the neighborhood's *houses*—essentially, this is akin to building 4 big houses on one lot, and the final property, we've been told, would house as many as 24 people! (All of this in a building designed as a duplex). This would include 8 parking spaces in the back, adding considerable traffic to the alley and reducing green space. There would also be a fence—probably chain-link, we were told—that would enclose the property. This is a *major* redevelopment of the existing duplex.

At the last Frogtown Forum Gathering (December 28, 2010), the neighbors voted *unanimously* (7-0) not to recommend the non-conforming use permit. Five of us were actually people who had signed the petition (my husband, who also signed the petition, was not able to attend, but he too would have voted against the proposal). We *all* want the property rehabilitated, but are seriously concerned with the size and scale of the proposed non-conforming use. We are also extremely *demoralized* that the owner, Frogtown CDC, our tax-supported community development organization, has shown no willingness to compromise in the face of such universal concern. My neighbors and I have been very open to working on solutions, but they have refused to make any changes, whether to the number or size of units or even small items like the number of parking spaces. It is extremely disappointing.

Given the scale of the project and outstanding concerns, I urge you to vote to reject the non-conforming use permit for 941 Thomas. This property should remain a duplex. Thank you so much for your consideration.

Sincerely,

Kathryn (Schwaderer) Kennedy
940 Lafond Avenue

January 20, 2011

Zoning Committee
Planning Commission
City of St. Paul
1400 City Hall Annex
25 West Fourth Street
St. Paul, MN 55102

Dear Zoning Committee,

I'm writing with concerns about the re-establishment of a nonconforming use as a 4-unit building at 941-943 Thomas.

In August of 2010, I signed a petition consenting to the approval of the application. I now regret giving my consent.

I wish I had not signed the petition, brought to me by the Greater Frogtown CDC. A 4-unit building is too large and, when they asked for my signature, they did not adequately explain their intentions.

Please vote against the re-establishment of the nonconforming use.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ge Lee', with a stylized, sweeping flourish extending to the right.

Ge Lee
928 Lafond Avenue
St. Paul, MN 55104

January 20, 2011

Zoning Committee
Planning Commission
City of St. Paul
1400 City Hall Annex
25 West Fourth Street
St. Paul, MN 55102

Dear Zoning Committee,

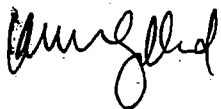
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Please vote against the re-establishment of the nonconforming use.

Sincerely,

A handwritten signature in black ink, appearing to read "Kasharn Gillard". The signature is fluid and cursive, with the first name being more prominent.

Kasharn Gillard
953 Thomas Avenue
St. Paul, MN 55104

January 20, 2011

Zoning Committee
Planning Commission
City of St. Paul
1400 City Hall Annex
25 West Fourth Street
St. Paul, MN 55102

Dear Zoning Committee,

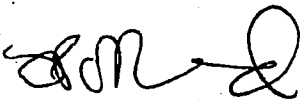
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I wish I had not signed the petition brought to me by the Greater Frogtown CDC. A 4-unit building is too large and they did not adequately explain their intentions when they asked for my signature.

Please vote against the re-establishment of the nonconforming use.

Sincerely,



Sylvia Pollard
944 Thomas Avenue
St. Paul, MN 55104

January 20, 2011

Zoning Committee
Planning Commission
City of St. Paul
1400 City Hall Annex
25 West Fourth Street
St. Paul, MN 55102

Dear Zoning Committee,

I'm writing with concerns about the re-establishment of a nonconforming use as a 4-unit building at 941-943 Thomas.

In August of 2010, I signed a petition consenting to the approval of the application. I wish that I had not given my consent.

I regret signing the petition brought to me by the Greater Frogtown CDC. A 4-unit building is too large and they did not adequately explain their intentions when they asked for my signature.

Please vote against the re-establishment of the nonconforming use.

Sincerely,

Idella Looney
Idella Nadine Looney
948 Thomas Avenue
St. Paul, MN 55104

I am Idella, the registered owner.

January 20, 2011

Zoning Committee
Planning Commission
City of St. Paul
1400 City Hall Annex
25 West Fourth Street
St. Paul, MN 55102

Dear Zoning Committee,

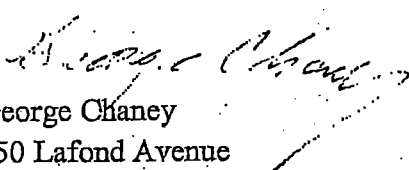
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I wish I had not signed the petition, brought to me by the Greater Frogtown CDC. A 4-unit building is too large and, when they asked for my signature, they did not adequately explain their intentions.

Please vote against the re-establishment of the nonconforming use.

Sincerely,


George Chaney
950 Lafond Avenue
St. Paul, MN 55104

January 20, 2011

Zoning Committee
Planning Commission
City of St. Paul
1400 City Hall Annex
25 West Fourth Street
St. Paul, MN 55102

Dear Zoning Committee,

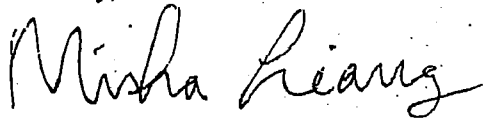
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I wish I had not signed the petition brought to me by the Greater Frogtown CDC. A 4-unit building is too large and they did not adequately explain their intentions, when they asked for my signature.

Please vote against the re-establishment of the nonconforming use.

Sincerely,

A handwritten signature in black ink that reads "Misha Liang". The signature is fluid and cursive, with the first name "Misha" and last name "Liang" clearly distinguishable.

Misha Liang
955 Thomas Avenue
St. Paul, MN 55104

January 25, 2011

Zoning Committee
Planning Commission
City of St. Paul
1400 City Hall Annex
25 West Fourth Street
St. Paul, MN 55102

Dear Zoning Committee,

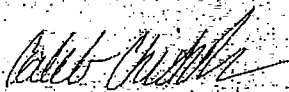
I'm writing with concerns about the re-establishment of a nonconforming use as a 4-unit building at 941-943 Thomas.

In August of 2010, I signed a petition consenting to the approval of the application. I now regret giving my consent.

I wish I had not signed the petition, brought to me by the Greater Frogtown CDC. A 4-unit building is too large and, when they asked for my signature, they did not adequately explain their intentions. After attending three meetings, I learned of their intent to house twenty-four occupants in the complex, which I feel is too many. I feel the property and neighborhood would benefit most if the house remained a duplex.

Please vote against the re-establishment of the nonconforming use.

Sincerely,



Caleb Chisholm
940 Thomas Avenue
St. Paul, MN 55104

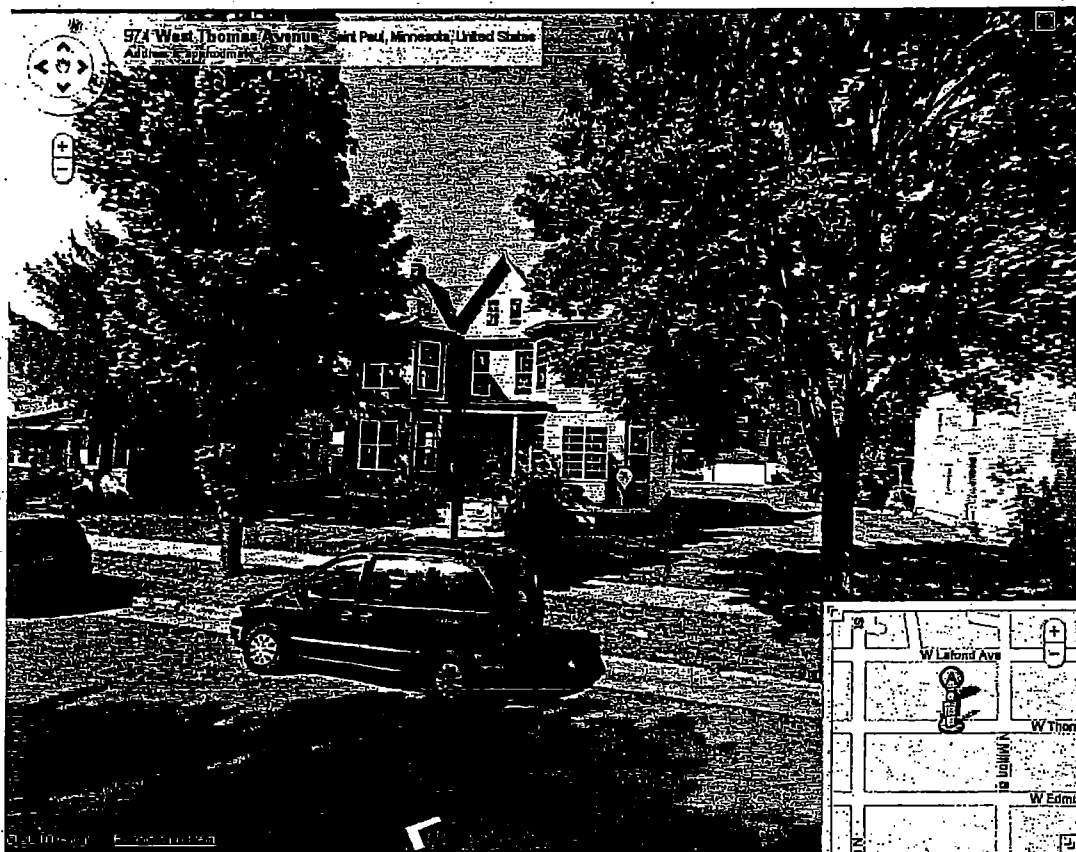
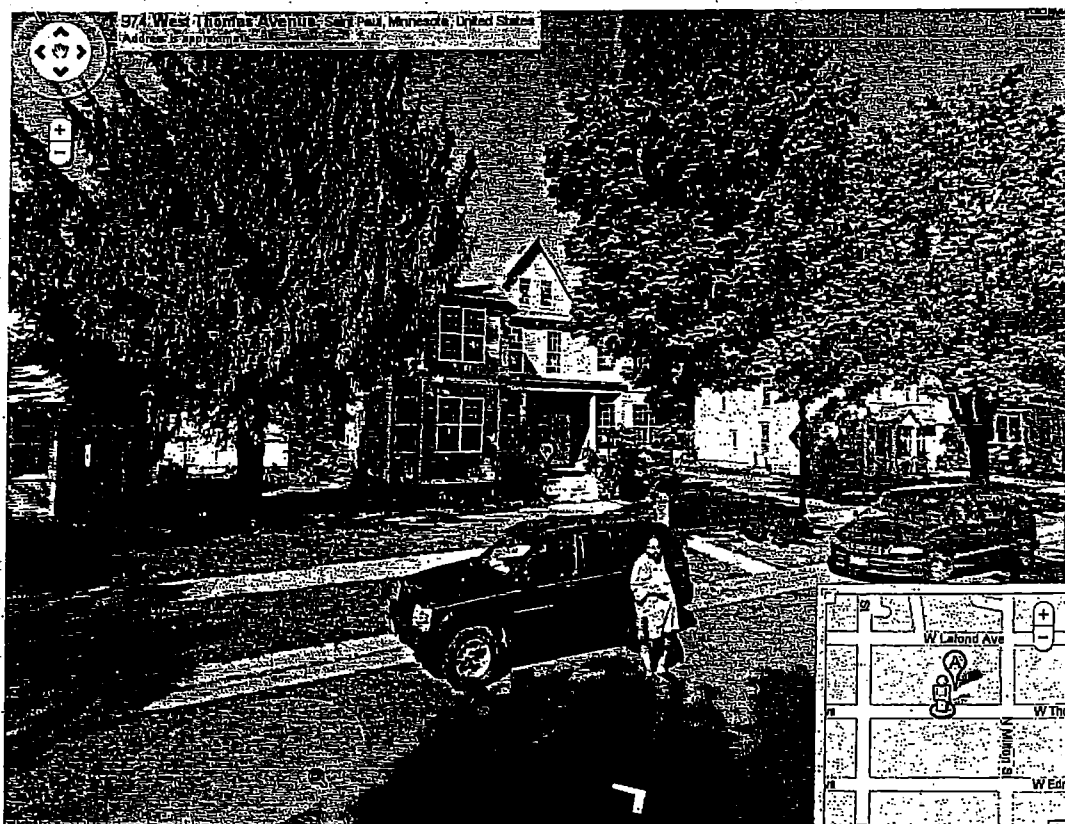
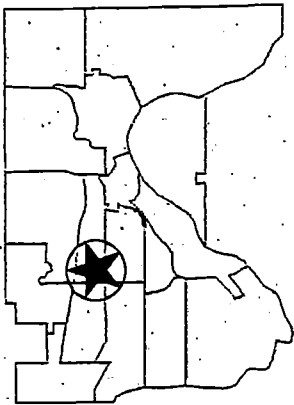


Fig. 1. Northward view of 941-943 Thomas Ave (Google streetview image)

Fig. 2. Northeastward view of 941-943 Thomas Ave (Google streetview image)



941-943 Thomas Ave



Thomas -Dale

Multifamily

Institutional

LAFOND AVE

MILTON ST N

943



Multifamily

THOMAS AVE

Single Family Detached

CHATSWORTH ST N

Multifamily

Office

Multifamily

Single Family Attached

Multifamily

EDMUND AVE